

**PROCEDURAL REPORT**  
**2005 FALL SITTING**

**YUKON**  
**LEGISLATIVE ASSEMBLY**

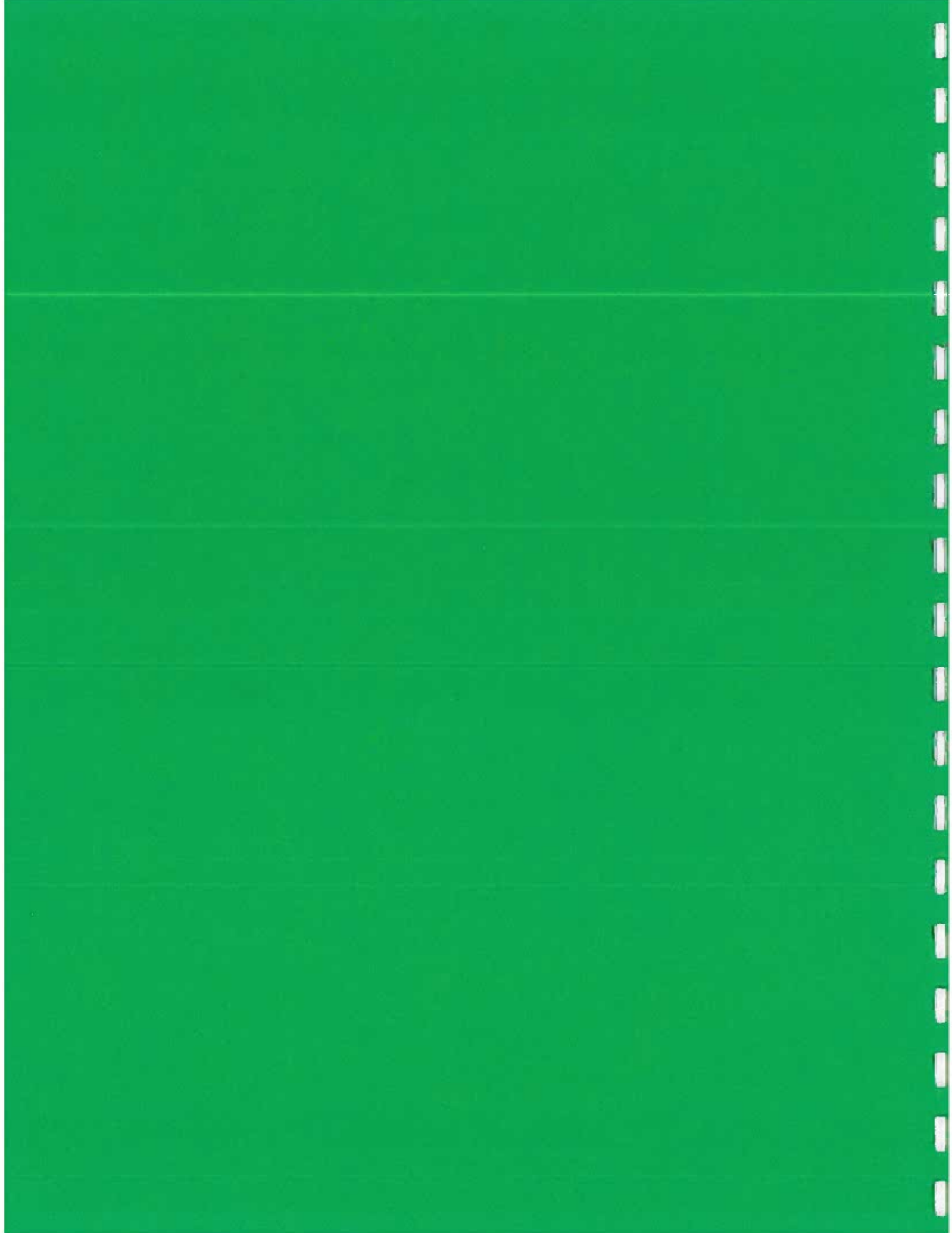


**FIRST SESSION**

**31<sup>ST</sup> LEGISLATURE**

**October 27, 2005-December 19, 2005**

**Speaker: The Hon. Ted Staffen**



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## Introduction

The 2005 Fall Sitting of the Yukon Legislative Assembly saw one event that occurred for the first time, another event that occurs only rarely, and some events that happen all too often.

The historic first occurred on December 6, 2005 when Senior Justice Ron Veale appeared in the Chamber to grant Assent to Bill No. 65, *Act to Amend the Income Tax Act (No. 2, 2005)*.

Under normal circumstances the Commissioner grants Assent to bills. However, there was no Commissioner to grant Assent as the term of Commissioner Jack Cable had ended on September 30, 2005. In the absence of a Commissioner it is up to the Administrator to grant Assent. However the Administrator under Commissioner Cable, Geraldine Van Bibber, had resigned that position when it was announced that she had been named to succeed Hon. Mr. Cable as Commissioner. Since her swearing in ceremony was scheduled for December 16, 2005 she was, at that point, neither Commissioner nor Administrator. No one had been named to succeed her as Administrator.

Mr. Justice Veale's presence was made possible by Section 5(2) of the *Yukon Act* which took effect on April 1, 2003. This section provides that the "The senior judge...of the Supreme Court of Yukon may act as Administrator during the Administrator's absence or illness or other inability or when that office is vacant." There was no similar section in previous versions of the *Yukon Act*.

Another rare event was the swearing in of a new member in mid-Sitting. This was made possible when Haakon Arntzen, elected to represent the electoral district of Copperbelt in 2002, resigned his seat on September 9, 2005. In the subsequent by-election Arthur Mitchell, who had won the leadership of the Yukon Liberal Party in June 2005, was elected to represent that electoral district. He assumed his place in the Assembly on November 28, 2005.

During the 2005 Fall Sitting the Assembly again had to endure Members making charges of improper behaviour against other Members. These charges fell into the categories of allegations of illegal behaviour, unethical behaviour and conflict of interest. These accusations continue despite the fact that Members making them are constantly informed by the Chair that such charges may only be raised in the House by way of a substantive motion for which notice must be given. That route has yet to be taken.

While the procedural issues catalogued in this report are usually the product of conflict, it is worth noting that the 2005 Fall Sitting also witnessed a number of instances where Members exhibited not only agreement, but unanimity. Most of these matters were procedural and are detailed in the entry 'Unanimous consent.' Standing Order 14.3 – Unanimous consent to waive rules – was used successfully on 25 occasions: to deem all content of a bill read and agreed to; to deem all lines in a vote cleared or carried, as required; to not proceed with private members' business that had already been identified for a sitting day; to proceed with a bill in circumstances where that would not normally be the case; to return to a previous item in the Daily Routine; to waive notice requirements to debate motions; and to withdraw a motion in Committee of the Whole.

There was also some agreement on substantive issues. Of the 22 divisions taken during the 2005 Fall Sitting unanimous agreement of all members present for the vote was recorded on 17 occasions. (see the Table 'Divisions' in the Statistical Summary)



## Procedural Issues

### Absence of Member, reference to

*House of Commons Procedure and Practice* advises

It is unacceptable to allude to the presence or absence of a Member or Minister in the Chamber. The Speaker has traditionally discouraged Members from signalling the absence of another Member from the House because “there are many places that Members have to be in order to carry out all the obligations that go with their office.”<sup>2</sup>

This practice came into play on November 8, 2005 as the Assembly debated Bill No. 17, *Second Appropriation Act, 2005-06* at second reading. After Dean Hassard (Pelly-Nisutlin, Yukon Party) concluded his remarks the Speaker, Hon. Ted Staffen, asked if members were “prepared for the question.” At that point Gary McRobb (Kluane, NDP) rose to continue debate. He began his remarks by saying, “I don’t see the Premier present, so there won’t be a question soon.” At that point Hon. Jim Kenyon (Porter Creek North, Yukon Party) rose on a point of order and said, “I believe referring to the absence of members from the House is not permitted in this Assembly.” Speaker Staffen concurred with Hon. Mr. Kenyon, saying, “Yes, point of order well made. Member for Kluane, you know better than that.” Demonstrating his firm grasp of parliamentary procedure Mr. McRobb responded: “I certainly do, Mr. Speaker. I was just seeing if the honourable member was awake across the way there.” (*Hansard* 4791)

A similar comment that drew the intervention of the Chair of Committee of the Whole was made by Eric Fairclough, (Mayo-Tatchun, NDP) on November 14, 2005. Mr. Fairclough said, “Hopefully the Acting Premier, minister, or whoever is left on that side of the House, would like to answer the question for the Premier —.” At that point Hon. Peter Jenkins (Klondike, Yukon Party) rose on a point of order saying, “One cannot make mention of anyone being absent from the House, Mr. Chair. Mr. Fairclough explained that he had “just asked for whoever wants to answer for the Premier.” In ruling the Committee Chair, Patrick Rouble said, “I think members have been very careful not to break with established practice, and I would encourage members to be even more careful of that.” (*Hansard* 4901)

### Adjournment

Standing Order 27(3)(g) says, “No notice shall be required” for a motion “for the adjournment of the Assembly or of a debate.” Standing Order 24(2) says motions for the adjournment of debate “shall be decided without debate or amendment.”

### Of Debate

Motions to adjourn debate on a bill or motion are rare. In most cases where debate is adjourned this is done pursuant to Standing Order 2(2), which gives the Chair the power to adjourn the House at the normal hour of adjournment.

Only two attempts were made to adjourn debate according to Standing Order 27(3)(g) during the 2005 Fall Sitting. On November 7, 2005 the Assembly debated Bill No. 17, *Second Appropriation Act, 2005-06* at second reading. As the normal hour of adjournment neared Lorraine Peter (Vuntut Gwitchin, NDP) moved that the debate be adjourned. The motion was

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<sup>2</sup> *House of Commons Procedure and Practice*, page 522

negated. Mrs. Peter then continued with debate until the normal hour of adjournment. (*Hansard* 4777)

On November 30, 2005 the Assembly debated Motion No. 541. During debate an amendment was proposed. Then an amendment to the amendment (a sub-amendment) was proposed. Both the sub-amendment and the amendment were eventually agreed to. Subsequently the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) rose on a point of order and said, "I'm not speaking to the motion at the moment. I just want to know what this thing says. Before I can speak to it or vote on it, I really need to know what it says now." The Speaker, Hon. Ted Staffen, ruled there was

no point of order; however, the point is well taken. The Table Officers are currently preparing a definitive, consolidated wording of this motion, and we will have it to you momentarily. Is it the House's wish that we take a 10-minute recess? Unanimous consent is required.

The Speaker's proposal was agreed to.

Once debate resumed it became clear that members found the wording of the amended motion confusing and unclear. Mr. Hardy suggested that the motion be withdrawn or that another recess be taken to "put together something we can all make sense of." Hon. Elaine Taylor (Whitehorse West, Yukon Party) was the next member to speak. She said

I understand that representatives of all three parties in the Legislature have come together and have requested some time to discuss the proposed amendment and perhaps to make further amendments to the amendments already proposed. With that said, I would move that debate be now adjourned.

The motion to adjourn debate was agreed to. (*Hansard* 5189-5190; *Journals* 399)

### ***Of the Assembly***

The motion to adjourn the Assembly is normally given near the normal hour of adjournment. On occasion, however, the House adjourns at an earlier time.

For example, October 27, 2005 was the first sitting day of the 2005 Fall Sitting and a day when government business had precedence. There were no government bills sitting on the Order Paper as all government bills introduced during the 2005 Spring Sitting had been dealt with. The government could have called forth a government motion under Orders of the Day or asked for unanimous consent to proceed with one of the eight bills introduced and given first reading earlier that day. Instead, immediately after Question Period, the government House leader, Hon. Peter Jenkins (Klondike, Yukon Party), moved "That the House do now adjourn." The motion was carried and the Assembly adjourned at 2:30 p.m. (*Hansard* 4616; *Journals* 357)

On Tuesday November 1, 2005 Hon. Mr. Jenkins, as government House leader, identified two motions for debate on the following day – a day when government private members' business would have precedence. The following day the House dealt with both motions. Rather than moving on to government business the House adjourned at 5:19 p.m. (*Hansard* 4712; *Journals* 366)



The hour of adjournment on the final day of the Sitting – December 19, 2005 – was also earlier than usual: 5:09 p.m. (*Hansard* 5509; *Journals* 423) The reasons for this are explained in the entry ‘Termination of the Sitting, as per Standing Orders.’

### *Of the Legislative Sitting*

On November 19, 2001, pursuant to an all-party agreement, the Assembly adopted Government Motion No. 169. In so doing the Assembly amended the *Standing Orders of the Yukon Legislative Assembly*. The changes added Chapter 14 that includes, among other things, a mechanism for terminating a Sitting of the Legislative Assembly once the maximum number of sitting days has been reached and the business before the Assembly is dealt with. These new standing orders were first used in the 2002 Spring Sitting.

December 19, 2005 proved to be the final sitting day of the 2005 Fall Sitting. On that day, following the Assent to Bills by the Commissioner, Hon. Geraldine Van Bibber, Speaker Staffen called the House to order and said

As the House has reached the maximum number of days permitted for this fall sitting, as established pursuant to Standing Order 75(3), and the House has completed consideration of the designated legislation, it is the duty of the Chair to declare that this House now stands adjourned. (*Hansard* 5509; *Journals* 423)

### **Assent**

Assent is the final stage in a bill becoming law. The Assent ceremony illustrates the agreement reached by the two components of the Legislature of Yukon, as identified in section 17 of the *Yukon Act*: the Commissioner and the Legislative Assembly. The Legislative Assembly indicates its support for a bill by passing a motion that a bill “be now read a third time and do pass.” Once the Commissioner indicates support by granting Assent the bill becomes law. The only remaining detail is the date on which the bill comes into force, which tends to be in one of three ways: (1) a specific date is set out in the bill, (2) the Commissioner in Executive Council is delegated authority to establish the date, or (3) no mention is made in the bill which results in it coming into force on assent.

For the Assent ceremony the Commissioner is escorted into the Chamber by the Sergeant-at-Arms and takes the Speaker’s chair. The Speaker, standing to the right of the Chair, informs the Commissioner that “the Assembly has, at its present session, passed certain bills, to which, in the name and on behalf of this Assembly, I respectfully request your assent.” The Clerk then reads out the names of the bills that have passed the Assembly. The Commissioner then says, “I hereby assent to the bills as enumerated by the Clerk.”

On December 6, 2005 Bill No. 65, *Act to Amend the Income Tax Act (No. 2, 2005)* was given Third Reading and passed the Assembly. The bill was ready to be assented to. However, there was no Commissioner to assent to the bill as the term of Commissioner Jack Cable had ended on September 30, 2005.

Section 5(1) of the *Yukon Act* says, “The Governor in Council may appoint an Administrator to act as Commissioner during the Commissioner’s absence or illness or other inability or when that office is vacant.” However the administrator, Geraldine Van Bibber, had resigned that position when it was announced that she had been named as Hon. Mr. Cable’s successor. Since the swearing in ceremony was scheduled for December 16, 2005 she was, at

that point, neither Commissioner nor Administrator. No Administrator had been named to succeed her in that capacity.

Section 5(2) of the *Yukon Act* says, "The senior judge...of the Supreme Court of Yukon may act as Administrator during the Administrator's absence or illness or other inability or when that office is vacant."

As a result Senior Justice Ron Veale, in his capacity as Acting Administrator, entered the Chamber on December 6, 2005 to grant assent to Bill No. 65. Having assented to the bill as enumerated by the Clerk of the Legislative Assembly, Patrick L. Michael, Senior Justice Veale made the following statement

Mr. Speaker, if you'll give me a short indulgence to speak to the members present, this is a rather historic occasion. The three branches of government — the executive, the legislative, and the judicial — rarely meet together, even on formal occasions, and I thought I would make a comment on that. We normally speak to each other — the Legislature through legislation and statutes, and the courts through their interpretation of the legislation and statutes in our judgements.

Because of the recent amendments to the *Yukon Act*, this event may take place again, but it is the first time that it has taken place in the history of the Yukon. I thought it appropriate to be dressed for the occasion and, consequently, I wore the robes of my office that I wear in the Supreme Court.

It has been a pleasure to be here. If I don't see you again, best wishes for a Merry Christmas and holiday season. (*Hansard* 5294; *Journals* 406-407)

Senior Justice Veale then left the Chamber.

Having taken the oath of office Commissioner Van Bibber, entered the Chamber on December 19, 2005 to grant Assent to *Co-operation in Governance Act*; *Act to Amend the Income Tax Act*; *Fourth Appropriation Act, 2004-05*; *Act to Amend the Family Violence Prevention Act*; *Act to Amend the Small Claims Court Act*; *Act to Amend the Supreme Court Act*; *Act to Amend the Public Service Group Insurance Benefit Plan Act*; *Act to Amend the Jury Act*; *Second Appropriation Act, 2005-06*. (*Hansard* 5509; *Journals* 423) Afterward Hon. Commissioner said

I'd like to say a few words as my first time on the dais as Commissioner. As we reflect on the past year and plan for the coming one, I'd like to wish all the members a very Merry Christmas. I also extend to you an invitation to join me on New Year's Day at the Commissioner's Levy. Happy holidays — well deserved. (*Hansard* 5509)

### **Charge against another member**

According to *Beauchesne's Parliamentary Rules & Forms* "(i)n any case where the propriety of a Member's actions is brought into question a specific charge must be made."<sup>3</sup> *House of Commons Procedure and Practice* adds "a direct charge or accusation against a Member may be made only by way of a substantive motion for which notice is required."<sup>4</sup> Such remarks cannot

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<sup>3</sup> Alistair Fraser, W.F. Dawson, and John A. Holtby, *Beauchesne's Rules & Forms of the House of Commons of Canada with Annotations, Comments and Precedents* (6<sup>th</sup> edition) (Toronto: The Carswell Company Limited, 1989) §50, page 17.

<sup>4</sup> *House of Commons Procedure and Practice*, page 525.

merely be injected in debate. During the 2005 Fall Sitting charges made by Members against one another fell into the categories of allegations of illegal behaviour, unethical behaviour and conflict of interest.

During Question Period on October 31, 2005 Steve Cardiff (Mount Lorne, NDP) questioned the Minister responsible for the Workers' Compensation Health and Safety Board, Hon. Peter Jenkins (Klondike, Yukon Party) about the *Workers' Compensation Act* review. During the course of his questioning Mr. Cardiff suggested that Patrick Rouble (Southern Lakes, Yukon Party) had used his position as chair of the review committee to help complete the requirements of his master's degree. Once Mr. Cardiff had concluded his question the Speaker, Hon. Ted Staffen, intervened saying

The implication is, from my listening to the member's question, that there was a gain made by one member, and I believe that is out of order. I just ask the member not to go there. It seems to me rather unseemly to suggest that another member is benefiting outside of the Legislative Assembly. I'm sure the member agrees with me, and I'll just ask him not to do it. (*Hansard* 4624)

On November 8, 2005 the Assembly debated Bill No. 17, *Second Appropriation Act, 2005-06* at second reading. During his closing remarks the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) said

The [leader of the] third party goes on to point out that there are issues here with sole-sourcing and other policy areas of government but...I would caution the member of the third party to even engage in a debate about sole-sourcing, considering the sole-source contracts that were given out under that member's watch while in government, which resulted in candidates suddenly and magically appearing — hundreds of thousands of dollars. Furthermore, —

At that point Speaker Staffen called for order. He then cautioned members that

We are debating the second reading of Bill No. 17, and this is a caution that I have offered to both the opposition and government before, and I would just ask the Hon. Premier to stay in that direction, as opposed to, from what the Chair perceives, almost casting aspersions. I would ask the Premier just to carry on and have that consideration. (*Hansard* 4797)

During Question Period on November 9, 2005 Pat Duncan (Porter Creek South, Liberal) asked questions regarding the Watson Lake care facility contract. Ms. Duncan began her first supplementary question by saying

Yukoners are looking for ethical leadership from the government. They are not getting it. Yesterday it was highways. Today it's health care contracts — special rules that only benefit one riding. The president of the Contractors Association said there is also the danger of creating the expectation that contractors need to be government friendly if they want work. That is the president of the Contractors Association. Once again, under the Yukon Party, some of us will do better.

After Ms. Duncan concluded her question the Speaker intervened saying

the Chair is not comfortable with the direction that you're taking in that. From the Chair's perspective, you're casting aspersions on members of this Assembly, and I don't believe that is in order. I'm not going to interrupt you during your questions, because I understand they're important and you only have three; however, I'd just like you to consider that in your subsequent questions.

In her subsequent question Ms. Duncan said that Hon. Mr. Jenkins had "bent the rules" with regard to the awarding of government contracts. Once again the Speaker intervened, reminding members that

the proceedings of the House are based on a long-standing tradition of respect and integrity for all members. The Chair appreciates the members having different views on issues of public policy, and we have to accept, as members, there may be two contradictory accounts of the same incident. That was the ruling, and I believe it's germane to this issue here today.

In response to Ms. Duncan's final supplementary question Hon. Mr. Jenkins said her questions contained

a whole lot of inaccuracies and suggestions that are not reality. One only has to look at what transpired under the Liberal Party leadership. We only have to look at the sole-source contracts and the hundreds of thousands of dollars issued by this government —

Once again the Speaker intervened informing the House that "This isn't going to work. Two contradictory accounts of the same incident — keep that in mind." (*Hansard* 4815)

Ms. Duncan returned to this subject during Question Period on November 17, 2005. During the course of her main question Ms. Duncan said, "The contracting community is not impressed with how the government is bending rules." During her first supplementary question she said, "the contracting community wants...the Yukon Party government to quit dividing the business community." In response Hon. Mr. Jenkins said he was, "disappointed in the member opposite for trying to drive a wedge in the contracting community..." In her final supplementary Ms. Duncan said, "the contracting community is faced with...trying to deal with this government and their bending of the rules when it comes to contracting." At that point Speaker Staffen intervened, saying

Before the honourable member answers the question, the Chair is uncomfortable with the direction this is taking. One side says "driving a wedge", the other side says "bending the rules". I would ask both sides of the House to please concentrate and focus on the questions, as opposed to making implications. That's all I'm asking. (*Hansard* 4967)

On November 14, 2005 Committee of the Whole examined Bill No. 61, *Co-operation in Governance Act*. During the debate Eric Fairclough (Mayo-Tatchun, NDP) said, "We have

seen...this government not abide by the legislation they have.” At that point the Chair of Committee of the Whole, Patrick Rouble, called for order and said

Accusing the government of breaking the law or not abiding by legislation is not a matter that can be lightly entered into debate. If a member does believe a law or legislation has been broken, he is well within his rights to put forward a substantive motion to that effect, but it's up to the courts to decide who is or is not guilty of breaking the law...  
(*Hansard* 4885)

During Question Period on November 15, 2005 Steve Cardiff (Mount Lorne, NDP) questioned the Minister responsible for the Yukon Housing Corporation, Hon. Jim Kenyon (Porter Creek North, Yukon Party) about housing programs. During the course of his first supplementary question Mr. Cardiff said, “The minister...has diverted funding that was meant for lower income families in need of housing.” He then referred to a “blatant cover-up of the diversion.” At that point Speaker Staffen intervened and informed the Assembly that ““blatant cover-up” is unacceptable terminology.” He then asked Mr. Cardiff to retract the accusation, which Mr. Cardiff did. (*Hansard* 4904-4905)

On November 17, 2005 Committee of the Whole dealt with Bill No. 17, *Second Appropriation Act, 2005-06*. During the course of his opening speech on that day the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) said, “the Premier...singled out an employee in the Department of Education and accused that employee of making comments from a Liberal perspective.” In response to that comment, and others, the Chair of Committee of the Whole, Patrick Rouble, called for order, saying

Before debate continues, the Chair is uncomfortable with some of the language and some of the statements that have been used in debate today. The members are well-versed in the Standing Orders, especially Standing Order 19(g) and 19(h) regarding imputing false or unavowed motives to others and also regarding charging another member with uttering falsehoods. It is my hope, and I believe the hope of all Members of the Legislative Assembly, that we can carry on debate here in accordance with our Standing Orders and in a manner the people of the Yukon would expect of us.

I would just like to give a note of caution that we need to adhere to our Standing Orders. The Chair will be listening very closely. (*Hansard* 4972)

During Question Period on December 12, 2005 the Minister of Energy, Mines and Resources, Hon. Archie Lang (Porter Creek Centre, Yukon Party) responded to questions from Gary McRobb (Kluane, NDP) regarding the Chair of the Board of Directors of the Yukon Development Corporation and Yukon Energy Corporation and that person also being project champion for Carmacks Copper. In response to Mr. McRobb's first supplementary question, Hon. Mr. Lang said, “I hark back a few years to the member opposite's position on Aishihik Lake, when it cost the ratepayers \$4 million.” This comment referred to an allegation of conflict of interest against Mr. McRobb. Speaker Staffen had previously ruled such references out of

order.<sup>5</sup> He therefore called for order and said, "We've ruled this conversation out of order before, honourable minister, so be very careful in your answer." (*Hansard* 5358)

### **Committee of the Whole, Progress, Motion to report**

The motion to report progress is used in Committee of the Whole to indicate that the committee wishes to cease debate on a subject, though the committee may return to it at some point in the future. This motion is commonly used as the normal hour of adjournment nears, but can be used at any time. Like a motion to adjourn debate or adjourn the Assembly, no notice is required for such a motion and it is neither debatable nor amendable. The motion to report progress is usually carried, but that is not always the case.

On November 8, 2005 Committee of the Whole commenced general debate on Bill No. 17, *Second Appropriation Act, 2005-06*. As the normal hour of adjournment neared Pat Duncan (Porter Creek South, Liberal) moved that the committee report progress. The motion was negatived. (*Hansard* 4809) A motion by Peter Jenkins (Klondike, Independent) to report progress on the same bill on November 29, 2005 was also negatived. (*Hansard* 5166)

### ***Witnesses, appearing in***

Occasionally Committee of the Whole will call upon witnesses to contribute information regarding a matter before the Committee. Standing Order 48(1) says, "No witness shall attend before any Committee unless a written statement has first been filed with the Chair of the Committee by a member thereof, stating that the evidence to be obtained from the witness is material and important." This standing order has recently fallen into disuse. Presently the practice is that a motion authorizing the appearance of witnesses must be made in Committee. The motion stipulates who is to appear before the Committee, the date and time at which they are to appear, and for how long. No notice is required for such a motion.

Witnesses appeared before Committee of the Whole twice during the 2005 Fall Sitting. Section 109 of the *Workers' Compensation Act* says, "The chair of the board and the president shall appear annually before the Legislative Assembly."<sup>6</sup> Consistent with this requirement Committee of the Whole passed Committee of the Whole Motion No. 7 on Tuesday, November 22, 2005. The text of the motion read

THAT Craig Tuton, chair of the Yukon Workers' Compensation Health and Safety Board, and Valerie Royle, president of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses before Committee of the Whole from 4:00 p.m. to 6:00 p.m. on Thursday, November 24, 2005, to discuss matters relating to the Yukon Workers' Compensation Health and Safety Board. (*Hansard* 5024; *Journals* 388)

As 4:00 p.m. approached on November 24, 2005 approached the Chair of Committee of the Whole, Patrick Rouble, informed the House that, "Pursuant to section 109 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 7, the Committee will receive witnesses from the Yukon Workers' Compensation Health and Safety Board. In order to allow

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<sup>5</sup> See Yukon Legislative Assembly, *Hansard: First Session of the 31<sup>st</sup> Legislature, Volume 3 (October 30, 2003 – December 16, 2003)* page 1530 (December 1, 2003); *Volume 4 (March 25, 2004 – April 22, 2004)*, pages 2077-2078 (April 8, 2004) and *Volume 8 (March 24, 2005 – April 21, 2005)*, page 4115 (April 20, 2005).

<sup>6</sup> S.Y. 1999, c.23, s.23.



the witnesses to take their places in the Chamber, the Committee will now recess briefly and reconvene at 4:00 p.m. sharp.” (*Hansard* 5099; *Journals* 393)

The Committee then recessed. It reconvened at 4:00 p.m. and the witnesses appeared before it. The appearance of witness was noted in the Chair’s report to the Assembly at the end of the sitting day. (*Hansard* 5110)

On Tuesday, December 6, 2005 the government House leader, Brad Cathers (Lake Laberge, Yukon Party) moved Committee of the Whole Motion No. 8. The motion read

THAT David Morrison, chief executive officer of the Yukon Development Corporation and president and chief executive officer of the Yukon Energy Corporation, appear as a witness before Committee of the Whole from 4:00 p.m. to 6:00 p.m. on Thursday, December 8, 2005, to discuss matters relating to the Yukon Development Corporation and the Yukon Energy Corporation.

Debate immediately ensued on the motion with Mr. Cathers speaking in favour of it and the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) and Gary McRobb (Kluane, NDP) arguing against it. Mr. Hardy and Mr. McRobb believed it would be preferable if the chair of the YDC Board of Directors, Mr. Willard Phelps, appeared with Mr. Morrison. Eventually Mr. Cathers requested the unanimous consent of the Committee to withdraw the motion. Unanimous consent was granted. (*Hansard* 5276; *Journals* 405-406)

On December 8, 2005 Mr. Cathers moved Committee of the Whole Motion No. 9. This motion, similar to Committee of the Whole Motion No. 8, included Mr. Phelps as one of the witnesses to appear before the Committee. The motion was agreed to. (*Hansard* 5333-5334; *Journals* 409-410) The witnesses appeared at the designated time. (*Hansard* 5341-5354; *Journals* 410) Once again, the Chair of Committee of the Whole included mention of their appearance in his report to the Assembly at the end of the sitting day. (*Hansard* 5354)

### **Documents, Requirement for Tabling**

Members regularly use documents when participating in debate. Occasionally other Members, who do not have this source of information, ask that it be tabled so that they can, in their view, more fully participate in debate. *House of Commons Procedure and Practice* advises that “where information is given to the House, the House itself is entitled to the same information as the honourable member who may quote the document.”<sup>7</sup> In the Yukon Legislative Assembly this only applies to private correspondence not available to Members by other means. Documents in the public domain, or otherwise in the possession of Members, need not be tabled.

On November 16, 2005 the Assembly debated Motion No. 421. This motion, standing in the name of Dean Hassard (Pelly-Nisutlin, Yukon Party), urged the Government of Canada “in consultation with the Yukon and First Nation governments, to assist Yukoners to achieve and maintain healthier lifestyles by educating them about and supporting those with diabetes through ongoing lifestyle and wellness information and educational campaigns.”

During his speech on the motion Patrick Rouble (Southern Lakes, Yukon Party) referred to “the Canadian diabetes strategy” which “is available on the Health Canada Web site.” He mentioned the web site address where the document could be found. Subsequently Pat Duncan (Porter Creek South, Liberal) rose on a point of order and said

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<sup>7</sup> *House of Commons Procedure and Practice*, page 518.

On a friendly point of order, it's common practice in this Legislature when someone's quoting from a document to table the document. I understand that's in our rules of procedure. The difficulty I'm having is the Member for Southern Lakes is giving us all a Web site address. That may be current technology, but that's not according to our rules and we don't have computers at our desks in the Legislature, as is also according to our rules. So I suggest that perhaps the member could be so kind as to ensure that he provides a copy, rather than the Web site address.

The Speaker called this "a valid suggestion" and asked Mr. Rouble if he would take the suggestion under advisement. Mr. Rouble said he "I would be happy to provide members with copies" and asked if members would "like to take a recess while [he] provide[d] them with copies?" The Speaker put the request to the House and unanimous consent was granted for a 10-minute recess. (*Hansard* 4949)

All members and the Table Officers rejoice whenever the House proceeds by unanimous consent. However, as the above paragraph notes this kind of document – one that is in the public domain – is not one for which tabling would be required. Members are not required to furnish other members with their research. Further, the Standing Orders do not make provision for recesses to be taken during the sitting day. While it is common for recesses to take place during Committee of the Whole it is highly unusual, and arguably inadvisable, for that to happen with the Speaker in the Chair.

### ***Required Tabling***

Standing Order 38(1) says, "Any return, report or other paper required to be tabled in the Assembly in accordance with an Act or pursuant to any resolution or Standing Order of this Assembly shall be tabled during Tabling Returns and Documents." Required tablings are entered into the Assembly's working papers as 'Sessional Papers.' Table 5 in the Statistical Summary – Documents Tabled as Required by Statute – lists documents tabled during the 2005 Fall Sitting, the authority for their tabling and the name of the member who tabled the document.

The Speaker tabled other required tablings (see Presiding Officers, tabling by).

Standing Order 38(2) allows members to table documents "for the information of members." Such documents are tabled either in support of arguments made in debate or because members believe the information contained in them should be public knowledge. These documents are entered into the Assembly's working papers as 'Filed Documents.' The complete list of Sessional Papers and Filed Documents tabled during the 2005 Fall Sitting can be found in the *Hansard* index and in the *Journals* index.

### **Interpreting another member's words**

On December 12, 2005 Committee of the Whole considered the estimates for the Yukon Housing Corporation in Bill No. 17, *Second Appropriation Act, 2005-06*. At one point the minister responsible for the corporation, Hon. Jim Kenyon (Porter Creek North, Yukon Party), said of Peter Jenkins (Klondike, Independent): "It does trouble me to have the member opposite stand up and imply [corporation staff] are less than capable." At that point Mr. Jenkins rose on a point of order, saying, "I never implied anything of the sort that the staff is incapable. The minister should retract that. I said nothing to that effect." Hon. Mr. Kenyon defended his choice of words, saying, "Having reports come back and falling into a dark abyss or whatever the phrase



was, I think, certainly would qualify — among many other comments. These are very capable people who do their job.” In his ruling the Committee Chair, Patrick Rouble, said,

The Chair often finds himself in a difficult situation when members reinterpret what other members say. I would certainly caution all members of the Assembly to be very cautious when they do so, because there is a tendency — on more than one occasion — for members to take it further than was originally intended. What we have here is a dispute between members. Debate should continue. (*Hansard* 5381)

On December 14, 2005 Committee of the Whole considered the estimates for the Department of Economic Development in Bill No. 17. During debate the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP), said, in response to comments made by the minister responsible for the department, Hon. Mr. Kenyon,

I would recommend that the minister read *Hansard* before he makes statements that can be questioned about what position people on this side have taken. I am not going to stand here and defend the former leader of the third party but I do remember the comments made and I don't appreciate them being misrepresented on the floor here.

At that point the Committee Chair called for order and said, “I believe the member just said he didn't appreciate hearing comments misrepresented on the floor of the House. While there wasn't a direct accusation or he didn't make the comments specifically about another member, I just want to caution members.” (*Hansard* 5439)

The Chair, of course, is correct: procedurally, the reinterpretation of a member's words constitutes a dispute between members. However the complicating factor is that the dispute is not about facts, but about what a member is supposed to have said. While it is possible to leave the interpretation to readers, such reinterpretation can prove problematic if it leads to disorder. That is a procedural concern of the Chair.

### **Languages, other than English, use of**

The working language of the Yukon Legislative Assembly is English. Simultaneous translation in other languages is not provided. This arrangement is not a matter of law as Yukon has no *Official Languages Act*. Members are free, therefore, to speak in other languages if they so choose. The established procedure is that words spoken in languages other than English are not included in the *Hansard* transcript unless such transcript is provided to *Hansard*. If no script is provided a notation will appear in *Hansard*, i.e., [*Member spoke in...script unavailable*]. An English translation is not provided. Where members use phrases that are commonly known — such as Mahsi'cho, merçi — no such process is necessary and they are included in the *Hansard* transcript. (See, for example, *Hansard* pages 4653, 4786, 4873)

### **Members, Recognition of**

Standing Order 17(1) says, “Every member desiring to speak shall rise in his or her place and address the Speaker.” However, this rule does not apply when the Speaker is not in the Chair, as in Committee of the Whole. *Beauchesne's Parliamentary Rules & Forms* advises that in

Committee of the Whole “Members may occupy and speak from places other than those regularly assigned to them.”<sup>8</sup>

This procedural principle came into play on November 3, 2005 during consideration of the operation and maintenance estimates for the Department of Justice in Bill No. 16, *Fourth Appropriation Act, 2004-05*. On that day the Minister of Justice, Hon. John Edzerza (McIntyre-Takhini, Yukon Party) was unavailable and Hon. Elaine Taylor (Whitehorse West, Yukon Party) was acting in that capacity. As debate commenced Pat Duncan (Porter Creek South, Liberal) asked for “some clarity...The Minister of Justice is unavailable at the moment. Is the Acting Minister of Justice going to respond?” The Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) said “If the member wishes information, the acting minister will respond.” Ms. Duncan then said, “I was just trying to encourage the acting minister to be in the acting minister’s seat, from where she can respond.” At that point the Chair of Committee of the Whole, Patrick Rouble, called for order and reminded members that “during Committee of the Whole, members may respond from any seat, not necessarily their regular seat.” (*Hansard* 4733)

### **References to**

*Beauchesne’s Parliamentary Rules & Forms* advises, “It is the custom in the House that no Member should refer to another by name.” Instead Members should identify one another by the electoral district they represent, or the ministerial portfolio or other office they hold (Premier, Leader of the Official Opposition, House Leader, etc.).<sup>9</sup>

It is also not in order to modify the name of a member’s position in a derogatory manner. The Chair of Committee of the Whole, Patrick Rouble, intervened on this point during Committee consideration of the estimates for the Department of Economic Development in Bill No. 17 on December 15, 2005. At that time the minister responsible for the department, Hon. Jim Kenyon, referred to the leader of the third party, Arthur Mitchell, as “the leader of the last party.” Hon. Mr. Kenyon retracted his comment at the request of the Chair. (*Hansard* 5456)

### **Members of the public, Behaviour in the Chamber**

While members of the public are welcome to observe proceedings in the Assembly Chamber they are not allowed to participate in any way. The Speaker, Hon. Ted Staffen, was called upon to enforce this practice during Question Period on November 23, 2005. At that time the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP), asked questions regarding the Northern Splendor Reindeer Farm. Following the response of the Minister of Environment, Hon. Peter Jenkins (Klondike, Yukon Party), to Mr. Hardy’s final supplementary question the Speaker intervened, saying

Before the member asks his next question, I’d just like to remind all the folks in the audience that we’re delighted to have you here. I just respectfully ask you not to participate, please. (*Hansard* 5053)

### **Moment of silence**

On November 10, 2005 the Legislative Assembly observed Remembrance Day. The Speaker, Hon. Ted Staffen, made remarks in honour of those who have served in Canada’s armed forces.

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<sup>8</sup> *Beauchesne’s Parliamentary Rules & Forms*, §902(5), page 250.

<sup>9</sup> *Beauchesne’s Parliamentary Rules & Forms* §484(1), page 142.

The House then observed a moment of silence. (*Hansard* 4843; *Journals* 376) This was done after prayers but prior to proceeding with the Order Paper.

### Money Message

Standing Order 61 says

- (1) It is not lawful for the Assembly to adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue of Yukon, or of any tax or impost, to any purpose that has not been first recommended to the Assembly by message of the Commissioner in the Session in which such vote, resolution, address or bill is proposed.<sup>10</sup>
- (2) Standing Order 61(1) relates only to appropriations and does not refer to the imposition of taxes. The only condition imposed on a taxation measure is that it be introduced by a Minister.

The appropriation acts introduced in the 2005 Fall Sitting – Bill No. 16 , *Third Appropriation Act, 2004-05*; Bill No. 17, *Second Appropriation Act, 2005-06* were accompanied by money messages, thereby fulfilling the requirement of Standing Order 61(1). (*Journals* 357)

### Motions, Amendment to

On November 2, 2005 the Assembly debated Motion No. 484, standing in the name of Brad Cathers (Lake Laberge, Yukon Party). The motion read

THAT this House urges the federal Liberal government to comply with the request of the Royal Canadian Legion, veterans associations and individual veterans and their families to end the current unjust situation whereby, as a result of a federal order-in-council passed in 1946, approximately 14,000 veterans are deprived of pension benefits and the recognition of having honourably served our country in a time of war.

During the debate Gary McRobb (Kluane, NDP) proposed to amend the motion. In doing so he moved

THAT Motion No. 484, be amended by deleting the words after the word “THAT” and substituting the following:

“this House urges the Government of Canada to

- (1) recognize that, due to a federal order-in-council passed in 1946, as many as 14,000 improperly discharged Canadian veterans were deemed ‘not to have served’ in World War II and were therefore denied pension benefits; and
- (2) honour the request of the Royal Canadian Legion, veterans associations, and individual veterans and their families to review the original order-in-council and to ensure that all surviving veterans included in the order are offered the opportunity to recover their status of ‘honourably served’ and become fully eligible for all benefits under the *Pension Act*.” (*Hansard* 4708)

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<sup>10</sup> The wording of this Standing Order is exactly the same as section 29 of the *Yukon Act*.

This was procedurally unusual in that the amendment proposed to substitute the entire motion. Substitutions are not usually accepted. However in this case the substitution was accepted because the amendment used much of the same language as the original motion and did not present a new motion.

The Speaker had to deal with a different issue on November 9, 2005 as the Assembly debated Motion No. 507. During the debate Hon. Peter Jenkins (Klondike, Yukon Party) informed the House that he intended to move an amendment to the motion. He then proceeded to describe the amendment. After some time, Gary McRobb (Kluane, NDP) rose on a point of order and said

Mr. Speaker, this is highly out of the ordinary. The member is speaking to the amendment without the other members having the privilege of knowing what the amendment is. He should first table the amendment and then speak to it. That's clear.

Pat Duncan (Porter Creek South, Liberal) also intervened on the point of order saying

Mr. Speaker, in response to what the Member for Kluane said, he has pointed out quite correctly that the Member for Klondike is speaking at length about an amendment we haven't even seen. Normally, when someone is amending a motion, they read the amendment into the record, there are copies made, the motion is amended, and then the person speaks.

Standing Order 35(a) says, "When taking part in a debate on an amendment to a motion the member moving an amendment has the right to speak both to the main question and the amendment in one speech." Accordingly, the Speaker, Hon. Ted Staffen ruled, "With regard to the member speaking to the amendment, the way the Chair heard it, the member's speech was the rationale for the amendment...So there is no point of order." The Speaker then recognized Hon. Mr. Jenkins to continue his speech. However the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) rose on a point of order. He reiterated the points made by Mr. McRobb and Ms. Duncan, saying, "Again, does not the amendment have to be proposed and read into the record before the member begins to address all the parts of the amendment?" The Speaker reiterated his ruling, saying "Procedurally, there is no amendment before the House. As I said earlier, from the Chair's perspective, the Minister of Health and Social Services was addressing the need for an amendment, not the amendment in itself. Once an amendment is formally proposed, all members will get a copy and all members will have time to speak to it." (*Hansard* 4833)

### ***Irregular***

According to *Beauchesne's Parliamentary Rules & Forms*, "It is the Speaker's duty to call the attention of the mover and of the House to the irregularity of a motion; whereupon the motion is usually withdrawn or so modified as to be no longer objectionable. If the motion is of such a nature that objection cannot be removed, the Speaker may refuse to put the motion to the House."<sup>11</sup>

Motions may become irregular for a variety of reasons. The most common reason for withdrawing a motion from the Order Paper is that it has become outdated. In almost all cases

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<sup>11</sup> *Beauchesne's Parliamentary Rules & Forms* §566(3), pages 174-175.

this occurs when a motion urges the government to take a certain action by a certain date. Once that date has passed the motion is irregular and must be withdrawn from the Order Paper.

Motions also become irregular once the action requested in the motion has been fulfilled. Motion No. 255, standing in the name of Patrick Rouble (Southern Lakes, Yukon Party) was withdrawn from the Order Paper on December 15, 2005 for that reason. In this case the motion urged the government to implement a pilot dog-control program in Carcross. Once this was done the motion could no longer be called for debate and was irregular.

It is not out of order to have numerous motions on the order paper that address the same issue. However, once the House has decided on that issue similar motions may become irregular and withdrawn. For example, on November 3, 2005 the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) gave notice of Motion No. 507 which urged the government to create a safer communities and neighbourhoods act. On November 8, 2005 Hon. Elaine Taylor gave notice of Government Motion No. 516, which urged the government to address substance-abuse problems as detailed in the Yukon Substance Abuse Action Plan. Mr. Hardy then brought Motion No. 507 forward for debate on November 9, 2005. During debate Hon. Peter Jenkins (Klondike, Yukon Party) proposed an amendment that essentially incorporated the text of Government Motion No. 516 into Motion No. 507. No agreement was reached on this amendment. On November 10, 2005 Hon. Mr. Jenkins gave notice of Government Motion No. 525, which amalgamated Motion No. 507 and Government Motion No. 516 in the way he had proposed in his amendment to Motion No. 507. This motion was debated and agreed to on November 14, 2005. Once the Assembly took this decision the motions proposed by Mr. Hardy and Hon. Ms. Taylor were redundant and therefore irregular. They were withdrawn from the Order Paper the next day.

Only the Member who gives notice of a particular motion can call that motion for debate. Therefore, motions standing in that Member's name become irregular once that Member resigns his or her seat in the Assembly. Seventeen motions were withdrawn from the Order Paper on the first sitting day following the resignation of Haakon Arntzen as the Member for Copperbelt. Two motions that dealt with Mr. Arntzen's status as an MLA were also withdrawn from the Order Paper. Those motions, standing in the name of other Members, were outdated once Mr. Arntzen resigned.

Should a Member's status in the House change from private member to cabinet minister – or vice-versa – motions standing in their name also become irregular. The Assembly experienced an example of each of these changes during the 2005 Fall Sitting. On November 29, 2005 the status of Mr. Jenkins changed from cabinet minister to private member. Therefore three Government Motions standing in his name became irregular. He could no longer call them as he was no longer in government and, as mentioned above, no other cabinet minister could call those motions for debate. They were therefore withdrawn.

The Order Paper was more greatly affected on December 12, 2005 when Brad Cathers (Lake Laberge, Yukon Party) was sworn into cabinet. Mr. Cathers had been an avid contributor to that part of the Order Paper entitled "Motions Other Than Government Motions" and his ascension to cabinet resulted in 39 motions being withdrawn from the Order Paper. One motion standing in his name, Motion No. 566 – regarding appointments to the Yukon Human Rights Commission – was moved to that section of the Order Paper entitled Government Motions as Mr. Cathers had given notice of it in his capacity as government House leader. A full listing of irregular motions that were withdrawn from the Order Paper can be found in Table 11 of the Statistical Summary.

## **New Member**

On September 9, 2005 Haakon Arntzen (Copperbelt, Independent) resigned his seat in the Assembly. Subsequently November 21, 2005 was set as the polling day for the by-election in the electoral district of Copperbelt. On that day Arthur Mitchell (Liberal) was elected as the new Member for Copperbelt. Mr. Mitchell took his seat in the Assembly on November 28, 2005. Immediately after prayers the Speaker, Hon. Ted Staffen, made the following announcement

I wish to inform the Assembly that I have received a letter from the Chief Electoral Officer respecting the by-election held in the Electoral District of Copperbelt on November 21, 2005. The letter, dated November 28, 2005, reads as follows:

“The resignation on September 9, 2005, of Haakon Arntzen, the Member for the Electoral District of Copperbelt, caused a vacancy in the Yukon Legislative Assembly.

“A writ of election to fill this vacancy was issued on October 21, 2005, with polling day being November 21, 2005.

“I hereby advise that the returning officer for the Electoral District of Copperbelt has certified in the Return to the Writ that Arthur Mitchell has been elected as the member to represent that electoral district in the Legislative Assembly.

“Yours sincerely,

“Patrick L. Michael

“Chief Electoral Officer.”

Following the Speaker’s announcement Pat Duncan (Porter Creek South, Liberal) rose and said, “Mr. Speaker, I wish to present Mr. Arthur Mitchell, the elected Member for Copperbelt, who wishes to now take his seat.” The Speaker then indicated that the Member could take his seat and Ms. Duncan escorted Mr. Mitchell to his place in the Chamber. (*Hansard* 5113; *Journals* 395)

## **Order and Decorum, Extraneous comments**

Standing Order 6(6) says, “When a member is speaking, no member shall interrupt, except to raise a point of order or a question of privilege.” The Presiding Officers intervened on numerous occasions to enforce this standing order during the 2005 Fall Sitting. (See, for example, *Hansard* pages 4658, 4807, 4814, 4896, 5032, and 5466)

## ***Speaking through the Chair***

Standing Order 17(1) says, “Every member desiring to speak shall rise in his or her place and address the Speaker.” In practice this requires that members address their questions through the Speaker, not directly to one another.

On November 9, 2005 the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP), in speaking to an amendment to Motion No. 507 said, “Look at how you’ve treated the ideas coming from the opposition benches. Look how you’ve treated us on this side.” The Speaker, Hon. Ted Staffen, intervened at that point and reminded Mr. Hardy to “please address his remarks through the Chair.” (*Hansard* 4838)

## **Pairing**

On December 1, 2005 Peter Jenkins (Klondike, Independent) made the following announcement:



Mr. Speaker, members of the House will be aware that there is a very important climate change leaders summit that is taking place in Montreal next week and that the Premier will be attending on behalf of the Yukon. I wish to inform the House that in view of the necessity for the Premier to attend that summit, I will commit to pairing with the Premier. What that means, Mr. Speaker, is if during the Premier's absence a vote takes place in either the whole House or the Committee of the Whole, I will withdraw from the Chamber during the taking of the vote. (*Hansard* 5208; *Journals* 401)

Since 1991 pairing procedures in the House of Commons have become more formalized. Still, as Speaker John Fraser noted in 1992 "agreements to pair still are private arrangements between Members and not matters in which the Speaker or the House can intervene."<sup>12</sup> Speaker Fraser's comments correctly describe the situation in the Yukon Legislative Assembly. To put it simply agreements to pair can not be enforced by the Speaker or the House.

### **Petitions, Presenting**

Standing Order 65(3) says

Every member offering a petition to the Assembly shall confine himself or herself to the statement of the parties from whom it comes, the number of signatures attached to it and the material allegations it contains. No member shall speak for more than five minutes in so doing, unless by permission of the Assembly upon question put.

Standing Order 65(4) says, "On presentation of a petition, no debate on it shall be allowed."

The Standing Orders anticipate that a petition will be presented by one Member and that is the standard practice. However, something different occurred on December 1, 2005. On that day the Speaker, Hon. Ted Staffen, made the following announcement regarding Petition No. 11:

Under petitions, it is the understanding of the Chair that an agreement has been reached between the House leaders that the Chair should recognize all three House leaders for the presentation of a petition today. The Chair will, therefore, recognize the acting government House leader, the official opposition House leader and the House leader of the third party. I ask these gentlemen to please stand so that people can recognize them. It is also my understanding that the acting government House leader will present the petition on behalf of his colleagues.

The acting government House leader, Brad Cathers (Lake Laberge, Yukon Party) then said, "The three House leaders have been approached by representatives of a group of Yukoners interested in electoral reform to present a petition on that subject. This petition contains over 700 signatures of individuals from across the Yukon." Mr. Cathers then read the text of the petition to the House. (*Hansard* 5202-5203; *Journals* 400)

On December 6, 2005 Speaker Staffen had to clarify for the House the meaning of that part of Standing Order 65(3) that addresses the time limit on the presentation of a petition. On the previous day Gary McRobb (Kluane, NDP) presented "a petition signed by 368 people in support of a seniors facility for the Kluane region." After reading the text of the petition to the House Mr. McRobb proceeded to comment on the history of this issue and the actions of the

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<sup>12</sup> House of Commons *Debates* June 11, 1992 p. 11789 cited in *House of Commons Procedure and Practice*, page 493.

Government of Yukon in this regard. (*Hansard* 5234-5235) The next day the Speaker made the following statement to the House

The Chair has noticed there is getting to be a propensity to talk more about the basis of the petition.

In presenting the petition the Member for Kluane indicated the number of signatories to the petition and also read the text of the petition to the Assembly. That was in order. However, the Member for Kluane then delivered a speech on the merits of the petition and other related political issues. That was not in order.

The Speaker then read Standing Order 65(3) and Standing Order 65(4) to the Assembly and said

It is because no debate is allowed at the presentation of a petition that the member presenting the petition is restricted in the kinds of remarks he or she may give. The five-minute time limit is designed to protect the time of the Assembly in the event of an overly long petition. The time limit is not designed to allow members to make remarks to which other members may not respond. Should a member wish to debate the merits of a petition, he or she should do so by giving notice of a substantive motion to that effect.

Members will recall that the Chair gave a similar ruling on October 21, 2004, regarding a petition presented by the Member for Mount Lorne on May 18, 2004. At that time the Chair asked members to “limit themselves when presenting petitions to the kinds of remarks allowed for in the Standing Orders.” The Chair would once again bring these Standing Orders and this ruling to the attention of members. (*Hansard* 5267; *Journals* 405)

### ***Received***

Standing Order 66(1) says

On the sitting day following the presentation of a petition, the Clerk shall present a report upon the petition...and every petition so reported upon...which, according to the Standing Orders or practice of the Assembly, can be received, shall then be deemed to be read and received.

It is unusual for a petition to not be received by the Assembly. However, this does happen. On May 17, 2005 Gary McRobb (NDP, Kluane) presented Petition No. 8 to the Legislative Assembly. On the following sitting day, which was October 27, 2005, the Clerk of the Legislative Assembly, Patrick L. Michael, presented the following report:

The petitioners ask the Yukon Legislative Assembly to revoke a regulation requiring that the sellers of heating fuel submit monthly reports to the Department of Finance. The Assembly, in passing the *Fuel Oil Tax Act*, delegated responsibility for making and revoking regulations to the Commissioner in Executive Council. The right to do this is set out in section 34 of the act.

Although Standing Order 66(5) states that, “A petition may raise a matter that has been delegated to another body by the Yukon Legislative Assembly”, there is no Standing Order or other authority that permits petitioners to ask the Assembly to take an action that is the responsibility of another body.



As Petition No. 8 asks the Assembly to act beyond its legal authority, it does not meet the requirements as to form of the Standing Orders of the Yukon Legislative Assembly.

Upon hearing the Clerk's report the Speaker, Hon. Ted Staffen, ruled that Petition No. 8 could not be received by the Assembly. (*Hansard* 4607-4608; *Journals* 355-356)

Even where petitions are received they may not be received in their entirety if parts of the petition are not in order. For example, on November 8, 2005 the Clerk reported on Petition No. 10 presented by Eric Fairclough (Mayo-Tatchun, NDP) on November 7, 2005. The Clerk informed the House that

This petition was found to be comprised of three different documents. The first of these documents was that read to the House by the Member for Mayo-Tatchun. It meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly and will be retained in the working papers of the Legislative Assembly. The Executive Council response made pursuant to Standing Order 67 should be to Petition No. 10 as it was read to the House by the Member for Mayo-Tatchun and as it appears in the working papers of the Assembly. The other two documents provided with Petition No. 10 do not meet requirements as to form of the Standing Orders and will be returned to the Member for Mayo-Tatchun.

Speaker Staffen therefore ruled that "Petition No. 10 is accordingly deemed to be read and received." (*Hansard* 4779)

#### ***Response by Minister***

Standing Order 67 says, "The Executive Council shall provide a response to a petition which has been received within eight sitting days of its presentation."

While petitioners are entitled to a response from the Executive Council, they are not entitled to dictate the form that the response will take. On October 27, 2005 the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) presented Petition No. 9 to the Legislative Assembly. On the following sitting day, October 31, 2005, the Clerk presented the following report:

The petitioners pose a number of questions respecting the ratification process followed in respect to the *Umbrella Final Agreement*, dated May 29, 1993. They ask the Yukon Legislative Assembly to request the minister responsible for the land claims and implementation secretariat to provide "a reasonably detailed written response" to those questions. It should be noted that the rules and practices of the Legislative Assembly permit a response to a petition to be provided in either written or verbal format.

This petition, with that qualification as to the manner in which it may be responded to, meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly.

Speaker Staffen, accordingly, deemed Petition No. 9 to be read and received. (*Hansard* 4619; *Journals* 359)

Pursuant to Standing Order 67 the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), responded to Petition No. 11 on December 15, 2005. As mentioned above, the Speaker recognized all three House leaders during the presentation of the petition. Therefore, at the

conclusion of Hon. Mr. Fentie's response the official opposition House leader, Gary McRobb (Kluane, NDP) rose and requested

the unanimous consent of this House to permit the other two parties with the opportunity to also respond to this petition. As you will recall, this petition was tabled by the House leaders representing all three parties. Under the current rules, only the government side is permitted to respond. If we waive the rules, we can get a response from the leaders of the other two parties as well. I am requesting unanimous consent to do that.

Unanimous consent was denied. (*Hansard* 5449; *Journals* 420)

The following table illustrates the progress of petitions dealt with during the 2005 Fall Sitting.

Petition No.	Presentation date	Presented by	Received	Response (Response by)
7	May 16, 2005	Duncan	May 17, 2005	November 8, 2005 (Hart)
8	May 17, 2005	McRobb	Not received	Not required
9	October 27, 2005	Hardy	October 31, 2005	November 10, 2005 (Fentie)
10	November 7, 2005	Fairclough	November 8, 2005	November 21, 2005 (Edzerza)
11	December 1, 2005	Cathers	December 5, 2005	December 15, 2005 (Fentie)
12	December 5, 2005	McRobb	December 6, 2005	December 19, 2005 (Kenyon)

Petitions that do not satisfy the above criteria may be presented to the Assembly under Tabling Returns and Documents. But as these petitions are not officially received by the Assembly there is no requirement that the government respond to them.

### **Personal privilege, point of**

A point of personal privilege is an opportunity for a Member "to explain a matter of a personal nature although there is no question before the House."<sup>13</sup> According to *House of Commons Procedure and Practice* a point of personal privilege

...is an indulgence granted by the Chair. There is no connection to a question of privilege, and as Speaker Fraser once noted, "There is no legal authority, procedural or otherwise, historic or precedential, that allows this." Consequently, such occasions are not meant to be used for general debate and Members have been cautioned to confine their remarks to the point they wish to make. The Speaker has also stated that, as these are generally personal statements and not questions of privilege, no other Members will be recognized to speak on the matter.<sup>14</sup>

On November 28, 2005 Peter Jenkins, the Member for Klondike, rose on a point of personal privilege "to advise the House that I have today tendered my resignation as a Cabinet minister and as a member of the Yukon Party caucus. I will continue to sit as an independent member." Mr. Jenkins then went on to explain the circumstances of his departure. During the course of his comments Mr. Jenkins began to comment on the way in which the Yukon Government has, over

<sup>13</sup> *House of Commons Procedure and Practice*, page 136.

<sup>14</sup> *House of Commons Procedure and Practice*, page 137.

the years, dealt with Dawson City. After a point the Speaker, Hon. Ted Staffen, called for order. He said

The honourable member is straying away from a point of personal privilege, from the Chair's perspective. The honourable member will have the option of bringing issues important to him and his constituency in this House through other forms of business. If the honourable member has more to say about the specifics of the point of personal privilege, the House would welcome that. Other than that, I would ask the member to conclude, please.

Mr. Jenkins then made a few concluding remarks and took his seat. (*Hansard* 5120; *Journals* 396)

#### **Presiding Officers, Announcements by**

The Speaker does not usually pay tribute, introduce visitors or make announcements. However, as the representative of the Assembly the Speaker will occasionally do so where that is appropriate.

During the 2005 Fall Sitting the Speaker, Hon. Ted Staffen, made four announcements. On October 27, 2005 he introduced the pages who would be serving the Legislative Assembly during the 2005 Fall Sitting. (*Hansard* 4603; *Journals* 354) He also made a statement in recognition of Remembrance Day on November 10, 2005. (*Hansard* 4843; *Journals* 376) On November 24, 2005 he, on behalf of all Members of the Assembly, extended congratulations to Geraldine Van Bibber on her appointment as Commissioner of Yukon. (*Hansard* 5084; *Journals* 392) On November 28, 2005 he informed the House of the election of Arthur Mitchell (Liberal) in the electoral district of Copperbelt. (*Hansard* 5113; *Journals* 395) (See the entry, 'New Member')

#### **Documents tabled by**

The practice of the Yukon Legislative Assembly is that the Speaker tables documents produced by House Officers - the Clerk of the Legislative Assembly, the Chief Electoral Officer, the Ombudsman and Information and Privacy Commissioner, the Auditor General and the Conflicts Commissioner. Some of these documents are required by statute and are listed in Table 5 of the Statistical Summary – Documents Tabled pursuant to Standing Order 38(1). However the Speaker also tables other documents that are not required by statute. Those tabled during the 2005 Fall Sitting included:

<b>Date</b>	<b>Document</b>	<b>Reference</b>
October 27	Notice from Haakon Arntzen resigning as Member for Copperbelt	<i>Hansard</i> 4607; <i>Journals</i> 355
	Letter from the Clerk of the Legislative Assembly to the Commissioner respecting the vacancy in the Electoral District of Copperbelt	<i>Hansard</i> 4607; <i>Journals</i> 355
	Absence of Members from Sitzings of the Legislative Assembly and its Committees; Report of the Clerk of the Legislative Assembly (dated October 27, 2005)	<i>Hansard</i> 4607; <i>Journals</i> 355
November 28	Election of Arthur Mitchell as Member for Copperbelt, letter dated November 28, 2005 from the Chief Electoral Officer to the Speaker	<i>Hansard</i> 5115; <i>Journals</i> 396

### *Impartiality of*

Standing Order 42(4) states, in part: “The Chair shall maintain order in the Committee of the Whole...” As *House of Commons Procedure and Practice* notes the Chair of Committee of the Whole has – with some specific exceptions – the same power “to maintain order and decorum in Committee...as the Speaker does in the House...”<sup>15</sup> Accordingly the Committee Chair is to be accorded the same respect as the Speaker.

Concerns about the neutrality of the Chair must be dealt with in a specific manner; they can not be interjected into debate. This process was outlined by the Committee Chair, Patrick Rouble, in a statement to the Assembly on November 18, 2004.<sup>16</sup> In that statement the Chair said

The proper way to deal with...concern(s) (about the neutrality of the Chair) is to bring a substantive motion to the House, which would most likely have as its effect, if carried, an expression of non-confidence in the member in the Chair and the removal of the member from that position.

The Chair would invite...all members to familiarize themselves with the rules and practices in this regard. In particular, the Chair would wish members to avoid making casual remarks that reflect on the presiding officers of this House. Such remarks undoubtedly lower the public’s estimation of not only the presiding officer in question but of the Legislative Assembly itself.

Unfortunately Committee of the Whole had to revisit this issue on November 14, 2005. On that day the committee examined Bill No. 61, *Co-operation in Governance Act*. During the debate Eric Fairclough (Mayo-Tatchun, NDP) said, “We have seen...this government not abide by the legislation they have.” At that point the Committee Chair called for order and said

Accusing the government of breaking the law or not abiding by legislation is not a matter that can be lightly entered into debate. If a member does believe a law or legislation has been broken, he is well within his rights to put forward a substantive motion to that effect, but it’s up to the courts to decide who is or is not guilty of breaking the law and should not be lightly entered into this debate.

In response Mr. Fairclough said, “Thank you, Mr. Chair, and I am hoping you take that seriously and back to your caucus, too. What I am saying is it wasn’t a —.” At that point the Chair again called for order and said

The Chair is very uncomfortable with the member’s comment to take it back to his caucus. The Chair is a neutral Chair who plays no part in this debate other than to ensure that the rules of debate, which all members have agreed to, are followed, and to ensure that the appropriate decorum is maintained in the Assembly. I will ask the member not to include the Chair in debate in the future. (*Hansard* 4885)

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<sup>15</sup> *House of Commons Procedure and Practice* page 775.

<sup>16</sup> See Yukon Legislative Assembly, *Hansard: First Session of the 31<sup>st</sup> Legislature, Volume 6 (October 21, 2004 – November 18, 2004)*, page 3254; Yukon Legislative Assembly, *Journals: First Session of the 31<sup>st</sup> Legislature (October 21, 2004 – December 14, 2004)*, page 252; or Yukon Legislative Assembly, *Procedural Report: 2004 Fall Sitting, First Session of the 31<sup>st</sup> Legislature*, page 27-28.

### Private Members Business

The order of Private Members' Business for the 2005 Fall Sitting was:

November 2: Government Private Members  
November 9: Opposition Private Members  
November 16: Government Private Members  
November 23: Opposition Private Members  
November 30: Government Private Members  
December 7: Opposition Private Members  
December 14: Government Private Members

Pursuant to Standing Order 14.2(2) the roster for determining the order of business on Wednesdays when Opposition Private Members' Business has precedence is:

Position 1: Official Opposition	Position 4: Third Party
Position 2: Official Opposition	Position 5: Official Opposition
Position 3: Third Party	Position 6: Third Party

Given the progress of private members business in the 2005 Spring Sitting the Assembly was at position two on this roster to begin the 2005 Fall Sitting. The progress of private members business in the 2005 Fall Sitting is illustrated by the following table:

Date	Position	Item	Sponsor	Outcome
November 2	Government Private Members	Motion No. 430	Cathers	Agreed to as amended
	Government Private Members	Motion No. 484	Cathers	Agreed to as amended
November 9	2. Official Opposition	Motion No. 507	Hardy	Debate adjourned on the amendment
November 16	Government Private Members	Motion No. 421	Hassard	Agreed to
	Government Private Members	Motion No. 497	Cathers	Debate adjourned on the amendment
November 23	3. Third Party	Motion No. 398	Duncan	Agreed to
	4. Third Party	Motion No. 503	Duncan	Agreed to
November 30	Government Private Members	Motion No. 541	Rouble	Debate adjourned on the amendment
	Government Private Members	Motion No. 524	Cathers	Agreed to
December 7	Opposition Private Members' Business not proceeded with by unanimous consent			
December 14	No Government Private Members business identified for this day			

### Question, Calling the

Standing Order 21(2) says, "When no further members appear to be rising to participate in debate on a motion, the Speaker shall state "Are you prepared for the question?" and, if a member should rise who has the right to participate in the debate, the Speaker shall recognize that member." This standing order came into play on November 9, 2005 as the Assembly debated Motion No. 507.

In concluding his remarks Gary McRobb (Kluane, NDP) proposed that the question be called on the motion. The Speaker, pursuant to Standing Order 21(2), then asked members if they

were prepared for the question. At that point Hon. Peter Jenkins (Klondike, Yukon Party) rose to speak to the motion. Subsequently, Ms. Duncan rose on a point of order saying,

Correct me if I'm wrong, but it seems to me that there is some kind of a gap in procedure here. There was a question about a vote, and the next thing we know, we're talking about an amendment. Should we not have had a vote on that question? Mr. Speaker, you said that the question had been called, and then the member spoke to read an amendment in. Would you outline for me, Mr. Speaker, how that procedure goes? If the question is called, doesn't the question have to be asked before the amendment is read?

Hon. Jim Kenyon (Porter Creek North, Yukon Party) also rose to speak to the point of order saying, "I'm sorry, but I think historically the Speaker has certainly called a question and the next speaker has stood up. This has happened many, many times." The leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) also spoke to the point of order saying, "I can stand to be corrected, but from my many, many years of experience, when a question is called, that question needs to be voted. There is no more debate on that. That question has to be dealt with before you proceed with any more debate."

Pursuant to Standing Order 21(2) the Speaker informed the House that, "when a question is called, members can stand up because that is their opportunity to participate in debate if they haven't yet done so. From that perspective, there is no point of order." (*Hansard* 4833)

#### **Question Period, Main and supplementary questions, relationship between**

During Question Period on November 14, 2005 the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) questioned the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) about ethical standards in government. In his first supplementary question Mr. Hardy said the government refused to answer questions in the Assembly. This, he considered "an ethical matter." He then asked the Premier to commit to consultations regarding the budget implications of government spending commitments. In his final supplementary question Mr. Hardy inquired as to "the whole question of what this government is and is not doing to provide affordable housing throughout the territory." Once Mr. Hardy had concluded his final supplementary question the Speaker, Hon. Ted Staffen, intervened reminding

the leader of the official opposition that there's supposed to be continuity between the question and the two supplementary questions. From my perspective, that third question had very little relation to the first two. Just keep that in mind in the future. (*Hansard* 4878-4879)

#### ***Rotation***

Standing Order 17(2) says, in part, "When two or more members rise to speak, the Speaker shall call upon the member who, in the Speaker's opinion, first rose." This standing order establishes that there is not, by rule, a speaking order. The recognition of members is at the discretion of the Speaker. Nonetheless, with regard to Question Period, there is an established practice of following a rotation agreed to by the parties in the Assembly.

In response to events that occurred during the 2002 Spring Sitting of the 30<sup>th</sup> Legislative Assembly, the Speaker, Hon. Dennis Schneider, established certain principles for the construction of a Question Period rotation. These principles are:



1. That the number of questions allotted to each party in opposition to the government over the course of a Sitting shall, as much as possible, reflect the number of seats each party has in the Assembly;
2. That priority shall be given to the Official Opposition by giving it priority of place in the Question Period Rotation, including the first two questions; and
3. That one position in the Question Period rotation shall be set aside each day for independent members.

The Question Period rotation became the subject of discussion during Question Period on December 6, 2005. On that day the Speaker, Hon. Ted Staffen, recognized the independent member, Peter Jenkins (Klondike), to ask the sixth main question of the day. That position had previously been allotted to the official opposition. Upon the Chair's recognition of Mr. Jenkins the official opposition House leader, Gary McRobb (Kluane, NDP) rose on a point of order. He said, "Mr. Speaker, we are now on question 6, which belongs to the official opposition. The leader of the official opposition is prepared to ask the question on our behalf. I urge you to recognize him and not an independent member of the Legislative Assembly." Speaker Staffen responded that

It is the Chair's responsibility to ensure that each member gets representation for his constituents in this Assembly. I had urged the House leaders to make accommodation for this. Up to this point in time, I have not received that information. I have received a note from you and from the Member for Klondike about this position. There is no point of order. Member for Klondike, you have the floor. (*Hansard 5271*)

At the conclusion of Question Period the Speaker said

Because it is my prerogative, I would ask that the leader of the official opposition — if you have a final question, I would be prepared to accept it. If not, then the time for Question Period has now elapsed.

Mr. Hardy chose not to ask a question at that time. Once the opposition House leaders had given notice of the private members' business for the following day the Speaker said

Prior to proceeding to Orders of the Day, the Chair is going to request that the official opposition House leader, leader of the third party and acting government House leader meet in my office during the break.

The House then proceeded to Orders of the Day. (*Hansard 5272*)

A similar event occurred on December 15, 2005 when the Speaker recognized Pat Duncan (Porter Creek South, Liberal) to ask the sixth main question. Mr. McRobb again rose on a point of order arguing that the official opposition should have been recognized to ask that question. The Speaker ruled

There is no point of order. The Chair has written to all House leaders, recognizing the fact that the dynamic on the opposition side have changed. I had asked the House leaders to make a decision regarding the Question Period rotation. Obviously that hasn't come

about. The NDP is getting approximately 80 percent of the questions. The Liberals are getting approximately 20 percent of the questions. They have about 25 percent of the opposition. The dynamic has changed; therefore, the Chair recognizes the Member for Porter Creek South for the final question.

The leader of the official opposition, Mr. Hardy then rose on the point of order and said, "Mr. Speaker, with all due respect, it is my understanding that you had conveyed to the House leaders that this would be arrived at through discussions among the House leaders themselves, and you would abide by that and not interfere during a Question Period to set a new order." The leader of the third party, Mr. Mitchell also contributed to the conversation saying, "the most recent communication by letter from the Speaker was that the Speaker preferred for the House leaders to resolve it; in the absence of that, the Speaker would go with precedent and that past precedent indicated that representing 25 percent of the opposition members, the third party would receive approximately 25 percent of the questions." The Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) also intervened and it appeared another member (or members) wished to intercede. However, the Speaker decided that he had taken all the procedural advice he needed and reiterated his ruling that there was no point of order. Question Period continued with Ms. Duncan having the floor. (*Hansard* 5455)

#### **Quorum Count**

Section 15 of the *Yukon Act* stipulates that "A majority of the members of the Legislative Assembly, including the Speaker, constitutes a quorum." Standing Order 3(2) says that

If, at any time during a sitting of the Assembly, the Speaker's attention is drawn to the fact that there does not appear to be a quorum, the Speaker shall cause the bells to ring for four minutes and then do a count. If there is still not a quorum, the Speaker shall adjourn the Assembly until the next sitting day.

On November 8, 2005 the Assembly debated Bill No. 17, *Second Appropriation Act, 2005-06* at second reading. As Patrick Rouble (Southern Lakes, Yukon Party) addressed the Assembly the government House leader, Hon. Peter Jenkins (Klondike, Yukon Party) rose on a point of order, indicating that there did not appear to be a quorum. In keeping with established practice the Speaker, Hon. Ted Staffen, began to read Standing Order 3(2) to the House in preparation for the quorum count. However, the Table Officers informed the Speaker that there was, indeed, a quorum present. That being the case the Speaker allowed Mr. Rouble to continue with his remarks. (*Hansard* 4795)

#### **Quotation, Use of in debate**

It is a principle of the rules of debate that members may not do indirectly what they may not do directly. One aspect of this is that members may not evade rules regarding unparliamentary language by quoting them from another source. Members must take responsibility for the words they utter in debate, whether they originate with that member or not.

During Question Period on October 27, 2005 the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP), said, "When we hear words like "betrayal", "offensive", "disrespectful" — even "dictatorial" — used to describe this Premier, there is a very serious problem Mr. Speaker." In response the Speaker, Hon. Ted Staffen, said, "I would just like to



remind all members that you cannot quote from documents from outside this Legislative Assembly when the words may be out of order. So I would just ask that the honourable members be very careful about that.” (*Hansard* 4612)

Later in the same Question Period Gary McRobb (Kluane, NDP) said, “Mr. Speaker, the letters I tabled earlier today demonstrate just how concerned the First Nation members of the Aboriginal Pipeline Coalition really are with this government. These letters use words such as — and I hope they’re all parliamentary, Mr. Speaker, — “deeply disappointed,” “nothing could be further from the truth,” “offensive,” —.” Again Speaker Staffen called for order saying, “The member knows full well that quoting words from outside the House that are out of order, in the House, is not in order. So I would ask the member not to do that. Please control yourself.” (*Hansard* 4612-4613)

Before Question Period on the following sitting day – October 31, 2005 – Speaker Staffen made the following statement:

As members are aware, the Chair intervened twice [yesterday] after members quoted unparliamentary language from statements made by persons outside the House, or from documents. It is a principle of the rules of debate that members do not do indirectly what they may not do directly. One aspect of this is that members may not evade the rules regarding unparliamentary language by quoting them from another source. Members must take responsibility for the words they use in debate, whether they originate with that member or not.

In this regard, I would remind the members of the ruling from the Chair on December 13, 2004, which read, in part, “If a member wishes to cite or quote from a document that contains unparliamentary language or does not adhere to proper form, the member must paraphrase any offending portions so that they conform to the rules and forms of this Legislative Assembly. (*Hansard* 4620)

On November 10, 2005 the Assembly debated Bill No. 61, *Cooperation in Governance Act*. During his speech the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) said

On June 9, the interim chair of the Alaska Highway Aboriginal Pipeline Coalition sent a letter to the Premier. In it, it says, “Your letters imply that the Aboriginal Pipeline Coalition shares your government’s view with respect to the Yukon advantage of a *Northern Pipeline Act*. Nothing could be further from the truth.” I’ll skip down a little bit. It says, “The coalition finds the process you use to make and communicate your decisions offensive ....”

At that point the Speaker, Hon. Ted Staffen, intervened saying

If a member wishes to cite or quote from a document that contains unparliamentary language or does not adhere to proper form, the member must paraphrase the offending portions so that it will conform to the rules and forms of this Legislative Assembly. I’d ask the honourable member to please follow that.

Mr. Hardy responded by asking “the indulgence of the Speaker to tell me exactly what I read that was offensive language?” The Speaker responded, ““It could not be further from the truth” is an expression that is not acceptable in this Legislative Assembly. We have ruled on it several times before...” (*Hansard* 4853)

### Relevance

*House of Commons Procedure and Practice* advises that “The requirement of relevance is necessary in order that the House might exercise its right to reach a decision and to exclude from debate any discussion which does not contribute to that process.”<sup>17</sup> Nonetheless the procedural authorities acknowledge the difficulty in defining and enforcing rules against irrelevant content. According to *House of Commons Procedure and Practice*, “It is not always possible to judge the relevance...of a Member’s remarks until he or she has made some progress in or completed his or her remarks.”<sup>18</sup> In most cases where this issue is raised Members’ remarks are not so off topic as to warrant a Member being called to order. To keep debate on topic the Chair will often remind members as to the subject matter before them and ask them to adhere to it. (See, for example, *Hansard* pages 4720, 4723, 4753, 4946, 5094) In some cases, however, a different response is called for. The following are examples where a different response was called for.

### In debate

Standing Order 19(b)(i) says, “A member shall be called to order by the Speaker if that member speaks to matters other than the question under discussion.”

On November 7, 2005 the Assembly debated Bill No. 60, *Act to Amend the Public Service Group Insurance Benefit Plan Act*. During debate Hon. Jim Kenyon (Porter Creek North, Yukon Party) said, in response to comments made by the Member for Mayo-Tatchun, Eric Fairclough (NDP), that Mr. Fairclough “should get out more.” Upon the conclusion of his brief remarks Pat Duncan (Porter Creek South, Liberal) rose on a point of order. Ms. Duncan said that Hon. Mr. Kenyon had breached the standing orders by casting aspersions upon Mr. Fairclough. Ms. Duncan also argued that Hon. Mr. Kenyon’s comments were irrelevant to the debate as they focused on another member and not the contents of the bill before the House. After interventions from the official opposition House leader, Gary McRobb (Kluane, NDP), the government House leader, Hon. Peter Jenkins (Klondike, Yukon Party) and Hon. Mr. Kenyon, the Speaker, Hon. Ted Staffen, said he would review the Blues and report back to the House. (*Hansard* 4751)

The Speaker ruled on the point of order the following day. As to the issue of relevance he said,

The issue of relevance is one the Chair has been struggling with during this sitting. The Chair has noticed that almost all speeches made during this sitting have, to varying degrees, wandered from the issue before the House at any given time. So far the Chair has intervened only rarely in this regard as such comments have not, until yesterday, led to disorder and members seem to be interested in the comments of other members even if they are irrelevant to the topic before the House.

Members may recall that last Thursday during debate on Bill No. 64, *Act to Amend the Income Tax Act*, the Chair intervened during the comments by the Member for Mayo-Tatchun because the Chair was having difficulty connecting the member’s comments to

<sup>17</sup> *House of Commons Procedure and Practice*, page 527

<sup>18</sup> *House of Commons Procedure and Practice*, pages 527-528.

the bill. The Member for Mayo-Tatchun explained his wide-ranging approach to the debate by saying, "if we really want to talk about this act, there's not all that much to talk about." Procedurally, it is not for the Chair to determine whether there is much or little to say about any piece of business that comes before the House. The Chair's only concern is that the remarks made, be they long or short, are germane to the topic before the House.

The Chair takes the interventions by members on yesterday's point of order as indicating that they wish the Chair to take a stricter approach to the issue of relevance in the future. Therefore the Chair will be more vigilant in this regard. (*Hansard* 4780; *Journals* 372)

On November 10, 2005 the Assembly debated Bill No. 61, *Cooperation in Governance Act*, at second reading. As the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP), addressed the Assembly the government House leader, Hon. Mr. Jenkins, rose on a point of order and said

Mr. Speaker, pursuant to Standing Order 57(2), the debate on a motion for second reading shall be limited to the object of expediency principles and merit of the bill or to alternate methods of obtaining its purposes. I believe the member opposite is wandering into an area that is not covered or contained whatsoever in the purpose and intent of the bill before the House.

The Speaker, Hon. Ted Staffen said

The Chair has allowed a lot of latitude in the nature of these debates from both sides of the Assembly. From the Chair's perspective, it's really up to the members themselves to self-regulate, unless it's obviously against the Standing Orders. So I would ask the leader of the official opposition to carry on with that in mind. (*Hansard* 4853)

On November 23, 2005 the Assembly debated Motion No. 398, standing in the name of Ms. Duncan. The text of the motion read, "THAT this House urges the Government of Yukon to examine legislation that requires the taking of blood samples to protect victims of crime, emergency service workers, good Samaritans and other persons."

During his remarks on the motion Mr. McRobb discussed the prospect of an upcoming election pre-empting a legislative sitting in the spring of 2006. He then went on to mention other pieces of legislation that the Assembly was still waiting to debate, and how long a 2006 Spring Sitting might last. At that point Speaker Staffen called for order saying, "As interesting as the Chair finds this, I am failing to make the connection between length of sitting and the leader of the third party's motion. I would ask the member just to focus on the motion, please."

Mr. McRobb then asked for the opportunity to "provide the information [the Chair is] seeking." The Speaker informed the House that

The Chair is not really seeking information. What the Chair would like the Member for Kluane to do is focus on the motion as introduced by the leader of the third party. My comment was that I didn't see the relevance of the timing of the legislative sitting or the number of days of a sitting as pertinent to [the motion].

Mr. McRobb then asked if he would be given the “the opportunity to explain the connection?” The Speaker said Mr. McRobb could do so within the remaining five minutes of his speech. (*Hansard* 5061)

Later in the same debate Hon. Mr. Kenyon began his remarks by saying, “I would like to talk for a few minutes about some of the science involved in this and how the science sort of puts together how I feel toward this. It’s a little convoluted but I think people should know exactly what the whole thing is about.” He then presented the House with extensive scientific information about – among other things – “PCR DNA amplification” tests; short tandem repeat technology; means of generating a DNA profile using blood, bone, or hair samples; and the use of DNA technology to authenticate the footballs used in the Super Bowl. At that point the Speaker intervened, saying

I don’t mean to interrupt the honourable member; however, the Chair is having trouble making the connection between the very interesting science that the member is presenting to the House and [the motion]. I would just ask the honourable member to focus a bit more on the motion before us. (*Hansard* 5067)

### *In Committee of the Whole*

Standing Order 42(2) says, “Speeches in Committee of the Whole shall be strictly relevant to the item or clause under consideration.”

The Chair’s Handbook for Committee of the Whole advises: “When the Chair first calls a Departmental Vote for debate, a wide-ranging debate on the whole department is allowed. Basically all matters can be raised.”<sup>19</sup> What this means is that general debate on a department can also include a discussion of policy issues in addition to the specific appropriations laid out in the bill. The Handbook also says, “The Chair would usually not interfere in general debate unless he/she was of the opinion that it was completely off topic or might better be covered within a specific Program.”<sup>20</sup> When points of order are raised under this standing order the Chair will usually remind members of the item before the committee, without ruling whether a member’s comments were out of order.

On November 24, 2005 the Chair of Committee of the Whole made a statement regarding the scope of debate allowed during general debate on departmental appropriations. This had become an issue during Committee proceedings two days earlier. He said

It is not out of order for members to ask questions regarding departmental policy during general debate. In terms of parliamentary procedure it would be very difficult, if not impossible, for the Chair to rule on such questions. The information provided to the Committee indicates how appropriations are to be allocated to different units within a department. This information does not — and could not — indicate the scope of work to be undertaken by departmental employees. For the Chair to rule on whether the appropriations before the Committee would be devoted to work on one policy or another would require a determination of fact, and that is beyond the role of the Chair.

At the same time it is also beyond the role of the Chair to rule on the adequacy of answers provided to questions asked. Again, this would require determination of fact.

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<sup>19</sup> Yukon Legislative Assembly, *Chair’s Handbook Committee of the Whole*, (February 2003), page 16.

<sup>20</sup> *Chair’s Handbook Committee of the Whole*, page 16.

The Chair will remind members of Guideline No. 10 of our Guidelines for Oral Question Period. It says, "A minister may decline to answer a question without stating the reason for his or her refusal. Insistence on an answer is out of order. A refusal to answer cannot be raised as the basis of a question of privilege." While these guidelines relate specifically to Question Period, they apply generally to Committee proceedings as well.

The Chair hopes that this statement helps to clarify the issue. The Chair would also suggest that in future, if members have concerns about procedural issues, that they raise them as points of order so that they can be dealt with, rather than engaging in extensive debate about rules and their application. (*Hansard* 5089-5090; Journals 392-393)

### **Repetition**

Standing Order 19(c) says, "A member will be called to order by the Speaker if that member persists in needless repetition or raises matters which have been decided during the current session." *House of Commons Procedure and Practice* advises that the rule against repetition works in conjunction with the rules regarding relevance to ensure that the Assembly can use its time efficiently: "The rule against repetition ensures that once all that is relevant to the debate has been presented, the question will be determined once and for all, at least during the current session."<sup>21</sup> Rules regarding repetition apply only "to the Members' remarks only within the same stage of debate on a bill. Arguments advanced at one stage may legitimately be presented at another."<sup>22</sup>

On November 21, 2005 Committee of the Whole dealt with Bill No. 57, *Act to Amend the Small Claims Court Act*, standing in the name of the Minister of Justice, Hon. John Edzerza (McIntyre-Takhini, Yukon Party). During the course of Hon. Mr. Edzerza's opening remarks the official opposition House leader, Gary McRobb, (Kluane, NDP) rose on a point of order. Mr. McRobb said, "it's against the Standing Orders to read from *Hansard* or deliberately repeat oneself. This is the same speech the minister gave to this bill in second reading, word for word." Brad Cathers (Lake Laberge, Yukon Party) intervened on the point of order saying

It is the Member for Kluane's perception that this is an excerpt from *Hansard*; however, the Minister of Justice is reading from his speaking notes. That is not contrary to the Standing Orders, unless it is the view of the Chair that needless repetition is being engaged in.

The Committee Chair, Patrick Rouble, ruled "that there is no point of order. I would encourage the minister to speak to the bill under discussion, which is happening now. We will continue with debate." (*Hansard* 5000)

On December 5, 2005 Committee of the Whole dealt with the estimates for the Department of Energy, Mines and Resources in Bill No. 17, *Second Appropriation Act, 2005-06*. As the minister responsible for the department, Hon. Archie Lang (Porter Creek Centre, Yukon Party), made his opening remarks the official opposition House leader, Gary McRobb, (Kluane, NDP) rose on a point of order. Mr. McRobb said

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<sup>21</sup> *House of Commons Procedure and Practice*, page 527.

<sup>22</sup> *House of Commons Procedure and Practice*, page 530.

I believe the House rules prevent unnecessary repetition. The paragraphs just read by the minister are verbatim from Thursday afternoon. He is now talking about agriculture and farmers markets. The question pertained to the pipeline. He's not responding to the question. He is using this as a speech opportunity to the camera, or whatever, Mr. Chair, and that's not within the rules.

The Committee Chair, Patrick Rouble called for order saying, "Neither is it within the rules to impute false or unavowed motives identifying a possible rationale for why someone is doing something, which is against the Standing Orders as well." The Chair then advised Mr. Lang to continue with his speech "keeping in mind the comments that were just raised." (*Hansard* 5241)

### **Termination of the Sitting, as per Standing Orders**

On November 19, 2001, pursuant to an all-party agreement, the Assembly adopted Government Motion No. 169. In so doing the Assembly amended the standing orders. The changes added Chapter 14 that includes, among other things, a mechanism for terminating a Sitting of the Legislative Assembly once the maximum number of sitting days has been reached and ensuring that government business before the Assembly is dealt with. These new standing orders were first used during the 2002 Spring Sitting.

Standing Order 75(1) says, "There shall be a maximum of 60 sitting days per calendar year." As the Assembly had sat for 30 days in the 2005 Spring Sitting 30 days were available for the 2005 Fall Sitting. The Assembly having convened on October 27, 2005 the 30<sup>th</sup> sitting day turned out to be December 19, 2005. On that day Committee of the Whole was considering the estimates for the Department of Environment in Bill No. 17, *Second Appropriation Act, 2005-06*, when the time reached 5:00 p.m. At that point the Committee Chair, Patrick Rouble, called for order and invoked the provisions of Standing Order 76(1). (*Hansard* 5508; *Journals* 421-422)

### ***Termination of Committee of the Whole***

Standing Order 76(1) says

On the sitting day that the Assembly has reached the maximum number of sitting days allocated for that Sitting pursuant to Standing Order 75, the Chair of the Committee of the Whole, if the Assembly is in Committee of the Whole at the time, shall interrupt proceedings at 5:00 p.m. and, with respect to each Government Bill before Committee that the Government House Leader directs to be called, shall:

- (a) put the question on any amendment then before the Committee;
- (b) put the question, without debate or amendment, on a motion moved by a Minister that the bill, including all clauses, schedules, title and preamble, be deemed to be read and carried;
- (c) put the question on a motion moved by a Minister that the bill be reported to the Assembly; and
- (d) when all bills have been dealt with, recall the Speaker to the Chair to report on the proceedings of the Committee.

Pursuant to this standing order the Chair of Committee of the Whole, Patrick Rouble, called for order as the Committee debated the estimates for the Department of Environment in Bill No. 17, *Second Appropriation Act, 2005-06* on December 19, 2005. At that time he said, "The time has reached 5:00 p.m. on this, the 30<sup>th</sup> day of the 2005 Fall Sitting." The Chair then read Standing



Order 76(1) and asked the government House leader, Hon. Brad Cathers (Lake Laberge, Yukon Party), "to indicate whether Bill No. 17 the only bill now before the Committee of the Whole, should be called." Hon. Mr. Cathers directed that Bill No. 17 be called at that time. The Chair then recognized the Premier, Hon Dennis Fentie (Watson Lake, Yukon Party) as the sponsor of Bill No. 17, for the purpose of moving a motion pursuant to Standing Order 76(1)(b) and 76(1)(c). Once Bill No. 17 had cleared the Committee the Chair rose to report to the House. The Chair's report, that Bill No. 17 be reported without amendment, was subsequently carried. (*Hansard* 5508; *Journals* 421-422)

### ***Third Reading of bills***

Once Bill No. 17 was reported the House proceeded to deal with it at Third Reading. The process began with the Speaker, Hon. Ted Staffen, reading out Standing Order 76(2) that states

On the sitting day that the Assembly has reached the maximum number of sitting days allocated for that Sitting pursuant to Standing Order 75, the Speaker of the Assembly, when recalled to the Chair after the House has been in the Committee of the Whole, shall:

- (a) call for the report from the Chair of the Committee of the Whole;
- (b) put the question, in the usual fashion, on the motion to concur in the Chair's report on the proceedings of Committee of the Whole;
- (c) with respect to each Government Bill on which debate has been adjourned at the Second Reading stage and designated to be called by the Government House Leader, put the question, without further debate, on the motion that the bill be read a second time, and, if that motion is carried, order that the bill stand immediately ordered for Third Reading; and
- (d) with respect to each Government Bill standing on the Order Paper for Third Reading and designated to be called by the Government House Leader,
  - (i) receive a motion for Third Reading and passage of the bill, and
  - (ii) put the question, without debate or amendment, on that motion.

Speaker Staffen then asked Hon. Mr. Cathers "whether Bill No. 17, the only bill now standing at third reading, should be called." Hon. Mr. Cathers indicated that Bill No. 17 be called for third reading. The Speaker then called for Third Reading of Bill No. 17. Mr. Fentie, the sponsor of the bill then moved the motion that the bill "be now read a third time and do pass." The Speaker then put the motion to the House, with the additional instruction, pursuant to Standing Order 76(2)(d)(ii) that no debate or amendment is permitted. Bill No. 17 passed the House. (*Hansard* 5508; *Journals* 422)

### **Unanimous consent**

Standing Order 14.3 says, "The Assembly may, by unanimous consent, suspend its Standing Orders or waive procedural requirements and precedents." Examples of the use of this standing order during the 2005 Fall Sitting include:

### ***For a recess***

Standing Order 2(1) says "The time for the meeting of the Assembly shall be 1:00 p.m. on each Monday, Tuesday, Wednesday and Thursday unless otherwise ordered. The normal hour of adjournment shall be 6:00 p.m." The Standing Orders do not make provision for recesses to be taken during the sitting day. Where recesses are taken they are by unanimous consent. Two examples of unanimous consent for a recess being requested, and granted, are documented in the entry 'Documents, Requirement for tabling.'

Committee of the Whole will often recess before beginning its business and at a later time during the sitting day. In most cases the request is granted. However there are times when unanimous consent is not granted; see, for example, *Hansard* pages 4650 and 5361.

### ***To deem all content of a bill read and agreed to***

In dealing with bills the normal process in Committee of the Whole is to first debate the bill in general and then proceed to read each clause individually. Occasionally the Committee will consider the bill to have been thoroughly debated once general debate in Committee of the Whole is complete. On those occasions a member will request unanimous consent to deem all clauses and the title (and schedules, if necessary) of the bill read and carried. The bill is then reported with or without amendment as the case may be. Following are instances of this request being made during the 2005 Fall Sitting.

<b>Date</b>	<b>Member</b>	<b>Bill</b>	<b>Result</b>	<b>Reference</b>
November 3	Fairclough	Bill No. 64, <i>Act to Amend the Income Tax Act</i>	granted	<i>Hansard</i> 4725
November 21	Cardiff	Bill No. 57, <i>Act to Amend the Small Claims Court Act</i>	granted	<i>Hansard</i> 5002
	Cardiff	Bill No. 58, <i>Act to Amend the Supreme Court Act</i>	granted	<i>Hansard</i> 5002
	Duncan	Bill No. 62, <i>Act to Amend the Jury Act</i>	Not granted	<i>Hansard</i> 5004
	Cardiff	Bill No. 63, <i>Act to Amend the Family Violence Prevention Act</i>	granted	<i>Hansard</i> 5015
November 22	Duncan	Bill No. 60, <i>Act to Amend the Public Service Group Insurance Benefit Plan Act</i>	granted	<i>Hansard</i> 5025

### ***To deem all lines in a vote cleared or carried as required***

In dealing with appropriation bills the normal process in Committee of the Whole is to first have general debate on the bill as a whole, then general debate on each department (also referred to as a 'vote'). Once general debate on a vote is concluded the Committee will proceed through the departmental appropriation line-by-line. Occasionally the Committee will consider the departmental appropriation to have been thoroughly dealt with in general debate. On such occasions a member will request unanimous consent to deem all lines in that vote cleared or carried, as required. Instances of such a request being made during the 2005 Fall Sitting during debate on Bill No. 17, *Second Appropriation Act, 2005-06*, include:

<b>Date</b>	<b>Member</b>	<b>Vote</b>	<b>Result</b>	<b>Reference</b>
December 1	Duncan	Vote 2, Executive Council Office	granted	<i>Hansard</i> 5219
	Fairclough	Vote 55, Highways & Public Works	granted	<i>Hansard</i> 5224

December 7	Cardiff	Vote 51, Department of Community Services	granted	<i>Hansard 5322</i>
December 13	Duncan	Vote 54, Department of Tourism and Culture	granted	<i>Hansard 5408</i>
December 14	Duncan	Vote 8, Department of Justice	granted	<i>Hansard 5434</i>
December 15	Duncan	Vote 11, Women's Directorate	granted	<i>Hansard 5462</i>
December 15	Mitchell	Vote 15, Department of Health & Social Services	granted	<i>Hansard 5481</i>
December 19	McRobb	Vote 24, Elections Office	granted	<i>Hansard 5490</i>
	McRobb	Vote 23, Office of the Ombudsman	granted	<i>Hansard 5490</i>
	Duncan	Vote 3, Department of Education	granted	<i>Hansard 5498</i>
	Duncan	Vote 10, Public Service Commission	granted	<i>Hansard 5502</i>

***To not proceed with private members' business***

Standing Order 14.2(3) says,

When Opposition private members' business has precedence, no later than the time at which the Assembly proceeds to Orders of the Day on the sitting day preceding the call of Opposition private members' business:

- (a) the Leader of the Official Opposition or designate may, on behalf of the members of the Official Opposition, identify the order in which the items standing in their names on the Order Paper or on the Notice Paper shall be called; and
- (b) the members of a party or group in opposition to the government, other than the Official Opposition, may identify the order in which the items standing in their names on the Order Paper or on the Notice Paper shall be called.

As opposition private members' business was to have precedence on Wednesday, December 7, 2005 the official opposition House leader, Gary McRobb (Kluane, NDP), and the leader of the third party, Arthur Mitchell (Copperbelt, Liberal) rose before Orders of the Day on Tuesday, December 6, 2005 and identified the business to be called on the following day. However, when the House proceeded to Orders of the Day on December 7 Mr. McRobb rose and requested the unanimous consent of the Assembly to waive opposition private members' business on that day. He said

This morning, the House leaders for each of the three parties agreed to waive motion debate this afternoon in favour of recommencing with the debate on the supplementary budget. Therefore, on behalf of all House leaders, I would request the unanimous consent of this House not to proceed with opposition private members' business at this time for the purpose of allowing the House to resolve into Committee of the Whole and for Committee of the Whole to continue its consideration of Bill No. 17.

Unanimous consent was granted. (*Hansard 5301; Journals 408*)

***To proceed with a bill***

Standing Order 74 says, "When a Session of the Assembly has opened or been reconvened, the Government shall introduce all legislation, including Appropriation Bills, to be dealt with during that Sitting by the fifth sitting day."

Once again, the opposition House leader is straying into rationale. I don't find that that is assisting the Chair in making a decision. On the point of order, from the Chair's perspective, there is no point of order.

The Speaker then recognized Hon. Mr. Jenkins to begin debate on the motion. (*Hansard* 4879)

Members may have found the Speaker's comments confusing. He referred to Mr. McRobb arguing "the merits of the motion" and "straying into rationale" where Mr. McRobb was "discussing the approach taken by the government to bring this motion to the floor." This may have been precipitated by Mr. McRobb's remarks that he was speaking "in objection to this motion." Nonetheless the procedural point made by the Speaker was clear: if any member had a concern about the process by which the motion was brought to the floor that concern should have been expressed before the Assembly granted unanimous consent to proceed. Once that consent is granted the procedural question is decided and debate on the motion is to begin.

On December 15, 2005 Mr. McRobb gave notice of Motion No. 582 which read, "THAT the current sitting of the Yukon Legislative Assembly be extended to Tuesday, December 20, in order to give due consideration and time to debate proposed government motions on appointments to boards and committees, and whistle-blower protection." After question period that day, Mr. McRobb requested

the unanimous consent of all members of this Assembly to now debate the motion I tabled earlier today, which requested the sitting be extended by an extra day in order to debate two motions that the government side is now planning to also request unanimous consent to debate. Those are the motions for a committee on boards and committees to be established and a motion for whistle-blower protection.

Unanimous consent was not granted. (*Hansard* 5456; *Journals* 420)

***To withdraw a motion***

On Tuesday, December 6, 2005 the government House leader, Brad Cathers moved Committee of the Whole Motion No. 8. The text of the motion read

THAT David Morrison, chief executive officer of the Yukon Development Corporation and president and chief executive officer of the Yukon Energy Corporation, appear as a witness before Committee of the Whole from 4:00 p.m. to 6:00 p.m. on Thursday, December 8, 2005, to discuss matters relating to the Yukon Development Corporation and the Yukon Energy Corporation.

Debate immediately ensued on the motion with Mr. Cathers speaking in favour of the motion and Mr. Hardy and Mr. McRobb arguing that it would be preferable if the Chair of the YDC Board of Directors, Mr. Willard Phelps, appeared with Mr. Morrison. Eventually Mr. Cathers requested the unanimous consent of the Committee to withdraw the motion. Unanimous consent was granted. (*Hansard* 5276; *Journals* 405-406)

## Unparliamentary Language

*House of Commons Procedure and Practice* advises, "By far, the most important right accorded to Members of the House is the exercise of freedom of speech in parliamentary proceedings."<sup>23</sup> However, this right is limited. Rules against the use of unparliamentary language are one limit on this right:

The proceedings of the House are based on a long-standing tradition of respect for the integrity of all Members. Thus, the use of offensive, provocative or threatening language in the House is strictly forbidden. Personal attacks, insults and obscene language or words are not in order. A direct charge or accusation against a Member may only be made by way of a substantive motion for which notice is required.<sup>24</sup>

In the Yukon Legislative Assembly language is generally regulated by Standing Order 19 that outlines when the Speaker may call a member to order during debate. The same rules apply in Committee of the Whole. In addition to the standing orders discussed below Standing Order 19(j) forbids Members from speaking "disrespectfully of Her Majesty or any of the Royal Family." This standing order was not invoked in the 2005 Fall Sitting.

The application of standing orders against unparliamentary language is highly contextual and the Presiding Officers reserve the right to exercise discretion in applying the rules of debate. The Speaker, Hon. Ted Staffen, made this point during Question Period on November 1, 2005. At that time the leader of the third party, Pat Duncan (Porter Creek South, Liberal) asked the Minister of Education, Hon. John Edzerza (McIntyre-Takhini, Yukon Party), "Why [the government was] opposed to fulfilling the needs of people?" In response Hon. Mr. Edzerza said, "The member opposite appears to be putting words in one's mouth. I never said any such thing as being opposed to building anything." At that point the official opposition House leader, Gary McRobb (Kluane, NDP) rose on a point of order saying, "I believe in the past, Mr. Speaker, you've ruled against members ascribing motives to another member, and "putting words in my mouth", I believe, was the example you used before." Ms. Duncan also intervened saying, "I do believe the Member for Kluane is correct, that you have, in past practice, ruled the words "putting words in one's mouth" out of order as ascribing motives." In his ruling Speaker Staffen said, "The Chair agrees that I have used that term, but I feel the context is different in this instance today. So, there is no point of order; it's simply a dispute among members." (*Hansard* 4657)

The Speaker made the same point on November 8, 2005 as the Assembly continued second reading of Bill No. 17, *Second Appropriation Act, 2005-06*. During the debate Dean Hassard (Pelly-Nisutlin, Yukon Party) said, "I also noted yesterday that the Member for Mayo-Tatchun spoke about the protected areas strategy. He kept saying that we killed it, or they killed it, or somebody killed it, and that's true, but we did not kill the protected areas strategy. I truly believe the people of the Yukon killed the protected areas strategy." At that point Gary McRobb (Kluane, NDP) rose on a point of order. He said, "listening to the Member for Pelly-Nisutlin talking about all the killing going on makes me wonder if that's not in violation of the Standing Order 19 — I'm just looking for the clause. It's about violent language, Mr. Speaker. I recall when the Standing Orders were revised a few years ago and your predecessor enforced this, that the words "kill" and "killing" were not parliamentary. We've heard a lot of it from the Yukon

<sup>23</sup> *House of Commons Procedure and Practice*, page 71.

<sup>24</sup> *House of Commons Procedure and Practice*, page 525.

Party.” Speaker Staffen ruled that, “In this context, as sensitive as I am to the member’s comments, I don’t believe it is of a violent or aggressive nature, but I thank the Member for Kluane for pointing that out and I will listen with a vigilant ear to the Member for Pelly-Nisutlin.” (*Hansard* 4789)

While there are several categories of unparliamentary language not all expressions that draw the attention of the Chair fit neatly into any one of them. Nonetheless the following entries illustrate instances that drew the attention of the Chair during the 2005 Fall Sitting.

### *Charging a Member with uttering a deliberate falsehood*

Standing Order 19(h) says, “A member shall be called to order by the Speaker if that member charges another member with uttering a deliberate falsehood.” It is fundamental to orderly debate that members are taken at their word. As *Beauchesne’s Parliamentary Rules & Forms* puts it

It has been formally ruled by Speakers that statements by Members respecting themselves and particularly within their own knowledge must be accepted. It is not unparliamentary to temperately criticize statements made by Members as being contrary to the facts; but no imputation of intentional falsehood is permissible. On rare occasions this may result in the house having to accept two contradictory accounts of the same incident.<sup>25</sup>

On November 7, 2005 the Assembly debated Bill No. 17, *Second Appropriation Act, 2005-06*, at second reading. During the debate Eric Fairclough (Mayo-Tatchun, NDP) said the government had

started off [its term in office] with the words “controlling the trajectory of spending” — government spending was totally out of control to them...They were going to put a cap on it, and they did. But what they did, in my view, was tell the Yukon public something different from what’s already on the books. We pointed out many times the surpluses the government had. The government side said no, there isn’t any.

At that point Patrick Rouble, (Southern Lakes, Yukon Party) rose on a point of order. He said, “I believe I just heard the member opposite say that the government told the Yukon public something that was different than what was on the books, and that is clearly out of order.” After interventions by Mr. Fairclough and Hon. Jim Kenyon (Porter Creek North, Yukon Party) the Speaker, Hon. Ted Staffen, asked “the House to allow [him] to review the Blues” and said he would “give a ruling later in the week...You have the floor, Member for Mayo-Tatchun.” (*Hansard* 4766)

The Speaker returned with his ruling the following day. He ruled that Mr. Fairclough’s comments “could be seen as a violation of Standing Order 19(h), that the Member for Mayo-Tatchun had charged members of the government caucus with uttering a deliberate falsehood. However, the Chair believes in this case it was a dispute about facts; therefore, there is no point of order.” (*Hansard* 4780; *Journals* 372)

On December 6, 2005 Committee of the Whole debated Committee of the Whole Motion No.8. The motion addressed the issue of a witness from the Yukon Development Corporation appearing in Committee of the Whole to answer questions from members. During the course of

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<sup>25</sup> *Beauchesne’s Parliamentary Rules & Forms*, §494, page 151.



debate the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) said of the government House leader, Brad Cathers (Lake Laberge, Yukon Party)

it's not the first time that member has stood up and made insinuations that are completely, completely wrong. I get awfully tired of sitting in here and listening to that member and other members get away with rewriting history. I have a problem with that.

At that point Mr. Cathers rose on a point of order saying

Mr. Chair, aside from the other comments made by the leader, the term "rewriting history," I believe, has very clearly been ruled out of order in this House, and I would ask you to have the member refrain from its use.

The Committee Chair, Patrick Rouble ruled

While it is certainly against our Standing Orders to impute false or unavowed motives to others or to charge another member with deliberately uttering a falsehood, the Chair did not hear a charge of attempting to mislead the House. There was no statement that it was a deliberate act to misrepresent or misconstrue the facts. The Chair must accept that there will be different facts and different versions of reality presented here, but I would caution the members to treat all members as honourable members of the Assembly and to argue the facts of the matter before us and not argue based on personalities.

Mr. Hardy thanked the Chair for his ruling and said he would, "try to keep that in mind as much as possible." (*Hansard* 5274-5275)

Later in the same debate Mr. Cathers said Mr. Hardy "seem[ed] to be casting aspersions on the chair [of the Development Corporation] and on members of the government, in suggesting that people are not acting in good faith in the context of their jobs. I find that very disturbing. I would urge him to not do that."

At that point Mr. Hardy rose on a point of order. During the course of raising the point of order Mr. Hardy said, "I'd like the member opposite to listen to me instead of turning his back. But if he doesn't want to, that's fine. Maybe he would actually hear what comes out of other people's mouths instead of making it up." At that point the Chair called for order and said, "The Chair is very uncomfortable with the member's comment about making up information." Mr. Hardy withdrew the remark. (*Hansard* 5275-5276)

On December 19, 2005 Committee of the Whole considered the estimates for the Department of Environment in Bill No. 17. During the course of the debate the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), who is also minister responsible for the department, said

The leader of the official opposition has just stood on his feet and laid accusations at the feet of this government that we do nothing. Nothing could be further from the facts, Mr. Chair. The government is doing a great deal.

At that point the Committee Chair, Patrick Rouble called for order and said, "The term "nothing could be further from the facts" has been declared unparliamentary numerous times before." The Chair's ruling led to the following exchange:

Hon. Mr. Fentie: Well, I'm crushed, Mr. Chair, but I will retract that statement because there is no other way I can put it other than: that is not the case. The member's assertion is not the case. Would that be fair?

Chair: The Chair can live with that. (*Hansard 5507*)

Other comments that drew the Chair's intervention in this regard include:

- "That's completely false and the minister knows it." Gary McRobb (Kluane, NDP), November 16, 2005 (*Hansard 4933*)
- "that's not the full story and he knows it." Todd Hardy (Whitehorse Centre, NDP), November 17, 2005 (*Hansard 4971*)
- "The minister made a number of false allegations..." Mr. McRobb, December 5, 2005, (*Hansard 5255*)

#### *Imputing false or unavowed motives*

Standing Order 19(g) says, "A member shall be called to order by the Speaker if that member imputes false or unavowed motives to another member." This rule is supplemented by Guideline No. 8 of the Assembly's Guidelines for Oral Question Period, which is an addendum to the Standing Orders. Guideline No. 8 says, "A question must adhere to the properties of the House in that it must not contain inferences, impute motives, or cast aspersions upon persons within the House or out of it." Responses to questions should also adhere to this guideline.

On December 1, 2005 Committee of the Whole examined the estimates for the Department of Highways and Public Works in Bill No. 17, *Second Appropriation Act, 2005-06*. Peter Jenkins (Klondike, Independent) began debate by saying to the minister responsible for the department, Hon. Glenn Hart (Riverdale South, Yukon Party), "Yesterday, I had a copy of the proposal from Chief Isaac Corporation faxed to the minister's office regarding office space. I am referring to 9010 Quartz Road and the comparison of how the government proceeded with the acquisition of more space vis-à-vis how they denied Chief Isaac Corporation the option to purchase more space from them." In response Hon. Mr. Hart said, "Mr. Chair, it concerns me that the Member for Klondike would attempt to misconstrue information about my department — its projects, its staff, the architects, the engineers, the contractors — especially when the member knows full well, by virtue of his past position with this government, what he is saying is incorrect."

The Chair of Committee of the Whole, Patrick Rouble, then intervened saying

The Chair is very uncomfortable with the member's phrase "attempts to misconstrue". It would seem to the Chair that that indicates that the member knowingly misconstrued information which is in clear violation of our Standing Orders. I'd ask the member to retract the statement and to be very cautious in doing what the member is currently chastising the other member for doing.

Hon. Mr. Hart retracted the statement. Later, during the same conversation, Hon. Mr. Hart said, "in relation to the question posed by the Member for Klondike about the issue of CARS standby and medevacs, the member is trying to twist the facts around in order to create —." Again the Chair intervened, saying, "I have already recognized that accusing another member of deliberately misleading this House is out of order. Please retract the statement and continue." Hon. Mr. Hart retracted the statement and said that the information about medevacs provided to the House by Mr. Jenkins was "incorrect." (*Hansard* 5220-5221) This language is in order as there was no suggestion that Mr. Jenkins knew the information he had presented to the House was incorrect. That would constitute an accusation of deliberately misleading the House.

On December 5, 2005 Committee of the Whole dealt with the estimates for the Department of Energy, Mines and Resources in Bill No. 17. As the minister responsible for the department, Hon. Archie Lang (Porter Creek Centre, Yukon Party), made his opening remarks the official opposition House leader, Gary McRobb, (Kluane, NDP) rose on a point of order. Mr. McRobb said

I believe the House rules prevent unnecessary repetition. The paragraphs just read by the minister are verbatim from Thursday afternoon. He is now talking about agriculture and farmers markets. The question pertained to the pipeline. He's not responding to the question. He is using this as a speech opportunity to the camera, or whatever, Mr. Chair, and that's not within the rules.

The Committee Chair, Patrick Rouble called for order saying, "Neither is it within the rules to impute false or unavowed motives identifying a possible rationale for why someone is doing something, which is against the Standing Orders as well." The Chair then advised Hon. Mr. Lang to continue with his speech "keeping in mind the comments that were just raised." (*Hansard* 5241)

Other statements that drew the Chair's attention in this regard include:

- "the NDP has tried to create...a political issue out of ANWR." Hon. Dennis Fentie (Watson Lake, Yukon Party), November 14, 2005 (*Hansard* 4896-4897)
- The "Finance minister...is making decisions based on political expediency in the matter of an election." Todd Hardy (Whitehorse Centre, NDP), November 17, 2005 (*Hansard* 4970)
- "the minister is fear-mongering." Gary McRobb (Kluane, NDP), November 22, 2005 (*Hansard* 5043)
- "Once again, we're seeing this minister scaremonger to protect - ." Mr. Hardy, November 24, 2005 (*Hansard* 5086)
- "...we don't run the government based on scaremongering." Hon. Archie Lang (Porter Creek Centre, Yukon Party), December 1, 2005 (*Hansard* 5204)
- "The corrections consultation by this government has been a bait and switch and there's really no other way to put it." Pat Duncan (Porter Creek South, Liberal), December 14, 2005 (*Hansard* 5433)
- "We only have to go back one decade to remember the witch hunt launched by the Yukon Party health minister into SA recipients." Mr. McRobb, December 15, 2005 (*Hansard* 5475)

### ***Abusive or insulting language***

Standing Order 19(i) says, "A member shall be called to order by the Speaker if that member uses abusive or insulting language, including sexist or violent language, in a context likely to create disorder." This standing order was invoked most often to deal with insulting characterizations of a member.

On October 31, 2005 the Assembly debated Bill No. 16, *Fourth Appropriation Act, 2004-05*, at second reading. During his speech Brad Cathers (Lake Laberge, Yukon Party) extolled the virtues of the bill before the House. In concluding his remarks he said "if members don't understand that, well, somewhat facetiously, Mr. Speaker, if you'll excuse the sarcastic remark, considering it is Halloween; the scariest thing I can think of is having them in government." The Speaker, Hon. Ted Staffen, then intervened saying, "I can't let that go by, Member for Lake Laberge. The principle that this House operates upon is one of respect. I'm not going to ask the member to withdraw the remark, but those types of remarks are bordering on being disrespectful. I would just ask the member, in the future, to consider it before he says it, please." (*Hansard* 4647)

On November 7, 2005 the Assembly debated Bill No. 60, *Act to Amend the Public Service Group Insurance Benefit Plan Act*. During debate Hon. Jim Kenyon (Porter Creek North, Yukon Party) said, in response to comments made by the Member for Mayo-Tatchun, Eric Fairclough (NDP), that Mr. Fairclough "should get out more." Upon the conclusion of his brief remarks Pat Duncan (Porter Creek South, Liberal) rose on a point of order. Ms. Duncan said that Hon. Mr. Kenyon had breached the standing orders by casting aspersions upon Mr. Fairclough. After interventions from the official opposition House leader, Gary McRobb (Kluane, NDP), the government House leader, Hon. Peter Jenkins (Klondike, Yukon Party) and Hon. Mr. Kenyon, Speaker Staffen said he would review the Blues and report back to the House. (*Hansard* 4751)

The Speaker returned with a ruling the following day. He said

The Chair finds there is no point of order. While [Hon. Mr. Kenyon] could have chosen better, less colloquial, words to express his difference of opinion with the Member for Mayo-Tatchun, the Chair does not feel that the choice of words, in the context used, violated Standing Order 19(i). (*Hansard* 4780; *Journals* 372)

During Question Period on November 22, 2005 Mr. McRobb questioned the Minister of Energy, Mines and Resources, Hon. Archie Lang (Porter Creek Centre, Yukon Party), about Devon Energy Corporation's drilling program. During the course of his first supplementary question Mr. McRobb said the minister was "acting like a puppet for industry." At that point Speaker Staffen called for order and said, "The conversation is heading in a very uncomfortable direction. The terminology that the Member for Kluane is using is liable to lead to discord. I'm loathe to interrupt the member, but please watch it."

Mr. McRobb continued his question with "The industry is pulling the strings of this government. Is that acceptable? My question is: where and when did the minister get a mandate to practise this brand of Charlie McCarthyism?" At that point the government House leader, Hon. Peter Jenkins (Klondike, Yukon Party) rose on a point of order, saying, "That's totally out of line. It's casting aspersions upon the minister." Mr. McRobb defended his comments saying, "Show me the definition of "Charlie McCarthyism" and maybe we could start to understand what it actually means." The Speaker ruled, "There is no point of order. It's simply a dispute between members over Charlie McCarthy." (*Hansard* 5023)

Later the same day Committee of the Whole considered the estimates for the Department of Health and Social Services in Bill No. 17, *Second Appropriation Act, 2005-06*. At one point in a discussion between the minister responsible for the department, Hon. Mr. Jenkins and Mr. McRobb, Hon. Mr. Jenkins said, "If the member opposite needs an understanding in these areas, I am sure he would have available to his caucus funding that would allow him to access programs that would train him in the world of accounting." The Committee Chair, Patrick Rouble intervened to remind members that "making personal comments about taking courses is out of order." (*Hansard* 5032)

On November 23, 2005 the Assembly debated Motion No. 503, standing in the name of Ms. Duncan. The motion read, "THAT this House urges the Government of Yukon to move forward with plans to build a new elementary school in the Granger/Copper Ridge area of Whitehorse on land already set aside on Falcon Drive." During her speech Ms. Duncan referred to a "public servant from the Department of Education [who] made public statements to the media on this issue, as they were directed to do." She then said

On November 8 in this Legislature the Premier suggested — I'm loathe to use the word "attacked", Mr. Speaker, because of the violent language — but that is what it was. He stated this individual was "the Liberal Party representative in the public media." The individual was speaking as a member of the department, as a public servant doing their job.

What did they get from the most highly elected official in the territory, from a government that says they respect the independence of the public servants? He was publicly attacked.

At that point the Speaker intervened, saying, "You are loathe to use the word "attack" but you carry on using it. From the Chair's perspective, this doesn't make any sense. I would ask the honourable member not to use that terminology." Ms. Duncan then responded by saying, "Mr. Speaker, I was loathe to use it, as I said, because it's violent language. My difficulty, I'm sure you can appreciate, is finding another word to describe the kind of statement from the Premier that criticizes someone who can't speak for themselves, which you have also talked to us about." The Speaker again called for order saying, "The Chair feels that my instruction was relatively clear. I know that the member speaking is very articulate and I'm sure you can find another word." Ms. Duncan settled on the word "decried." (*Hansard* 5072)

Other statements that drew the intervention of the Chair in this regard include:

- "the empty drum makes all the noise" Hon. Mr. Lang, December 8, 2005 (*Hansard* 5331)
- "Mr. Speaker, we have been hearing this rant for the last while." Todd Hardy (Whitehorse Centre, NDP), December 13, 2005 (*Hansard* 5392)
- "the new minister recognizes that his predecessor, as a minister, was a bit of a dud." Arthur Mitchell (Copperbelt, Liberal), December 15, 2005 (*Hansard* 5452)
- "the Member for Kluane...might wish to...take a course at Yukon College about budgeting to understand that supplementary budgets are not due to inaccuracies in budgeting." Hon. Brad Cathers (Lake Laberge, Yukon Party), December 15, 2005 (*Hansard* 5476, 5477)



Another category of insulting language is that which personalizes the debate by way of mimicry or sarcasm. An instance of this was noted by the Chair of Committee of the Whole, Patrick Rouble, during debate on Bill No. 17, *Second Appropriation Act, 2005-06*, on November 17, 2005. In response to remarks by Ms. Duncan, the Chair said

Before we continue, the Chair must comment about members mimicking other member's speech. Please, let's conduct the debate in this Legislative Assembly in the manner in which Yukoners expect us to act and behave. (*Hansard 4977*)

The Chair made a similar statement during consideration of the estimates for the Department of Energy, Mines and Resources in the same bill on December 5, 2005. The conversation between the minister responsible for the department, Hon. Mr. Lang and Mr. McRobb seemed to founder, at one point, on a difference of opinion as to whether the issue at hand related to Yukon's *Oil and Gas Act* [YOGA] or the attendant regulations. Mr. McRobb expressed the opinion that, "the issues we're discussing are not found within YOGA; they're found within the regulations. It is the regulations that are the subject of our discussion, not the act. How many times have we heard the minister say, "It's all in YOGA, Mr. Chair." The last part of this sentence was delivered in a manner eerily reminiscent of the minister himself. As a result the Chair called for order, saying

Frankly, the Chair wishes that we had the schoolchildren who were here entertaining members in the government building today. The Chair has found that when children are present, members' attitudes and behaviours are different. For example, members don't have a tendency to try to imitate others. They have a tendency to act as responsible people and in a manner that is expected of a member of this Assembly.

I would ask the member to continue with debate and to do so without tossing out insults or mimicking other members of this Assembly.

Mr. McRobb responded to the Chair's statement by saying, "That's a very sobering ruling, but it was a timely time for such a ruling, I might add." The phrase "timely time" is one Hon. Mr. Lang has been known to use. This drew another intervention by the Chair:

I don't think the member has taken my comments to heart. I just draw to his attention that we're here to conduct the people's business and to do so in a manner that Yukoners expect us to conduct ourselves in and behave in.

The Chair then invited members to "continue with debate." (*Hansard 5254-5255*)

During debate on Bill No. 17, *Second Appropriation Act, 2005-06*, on November 17, 2005 the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) said "the official opposition...are dumbfounded by the budget." In response Mr. McRobb opened his response with "speaking of dumbfounded" and went on to comment that

a familiar trait of the Premier lately [in Question Period] is to get up and respond to the final supplementary question, when the opposition doesn't have the opportunity to question what he said. It takes a very brave man to do that.

Brad Cathers (Lake Laberge, Yukon Party) then rose on a point of order. Mr. Cathers said



The Member for Kluane's sarcastic characterization of the Premier as being a real brave man is clearly contrary to Standing Order 19(i). It's insulting language that is certainly, in the context, likely to cause discord in my opinion, and I would urge you to have him retract that.

In dealing with the point of order the Chair said he had

just recognized a change in the tone of the debate. I believe we've heard both sides just use the word "dumbfounded," one from one side, one from the other. I would encourage all members not to debate at that level, to elevate the level of debate in this Assembly, to debate in a manner that all Yukoners expect of us. On many occasions, we've had schoolchildren in the Assembly. Please, let's debate in a manner that we would in front of our children. (*Hansard* 4988)

On December 14, 2005 Committee of the Whole considered the estimates for the Department of Economic Development in Bill No. 17. While in conversation with the leader of the official opposition, Mr. Hardy, the minister responsible for the department, Hon. Mr. Kenyon said

Frankly the only person I've ever met in the Yukon who seems to know everything is the member opposite. He's got all the skills and all the knowledge. I am happy to listen to him on that and put that into the matrix, but I tend to think I would prefer —

Something in the tone of Hon. Mr. Kenyon's voice led the Committee Chair to conclude that the minister's words did not constitute a sincere compliment. He therefore intervened, informing the Committee that

It's the Chair's responsibility to preserve order and decorum in this Assembly and to remind members when their conduct is becoming insulting toward others. I would just ask the members to elevate their level of debate and to ensure that we are debating the matter at hand, which is the Department of Economic Development and to keep comments to that topic rather than of a more personal nature. (*Hansard* 5440)

#### ***Offending the practices and precedents of the Assembly***

Standing Order 19(k) says, "A member shall be called to order...if that member introduces any matter in debate that...offends the practices and precedents of the Assembly." One category of offensive matter is that which questions a Member's ability or inclination to do the job they were elected to do, or a suggestion that a Member would behave in a dishonourable way in doing so.

Before Question Period on October 31, 2005 the Speaker, Hon. Ted Staffen, made a statement regarding certain comments made on the October 27, 2005, which was the first day of the 2005 Fall Sitting. Speaker Staffen said

The Chair is...concerned that members are making statements that question the honesty and integrity of other members. As *House of Commons Procedure and Practice* reminds us, "The proceedings of the House are based on a long-standing tradition of respect for the integrity of all members." The Chair appreciates that members have differing views on issues of public policy. However, to cite annotation 494 of *Beauchesne's*

*Parliamentary Rules and Forms*, there are times when the House will have to “accept two contradictory accounts of the same incident.” Members are free to put forward their views of events, but in doing so must not draw into question the integrity of other members who hold a different view. (*Hansard* 4620; *Journals* 359-360)

During Question Period on November 2, 2005 Gary McRobb (Kluane, NDP) questioned the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) about the Aboriginal Pipeline Coalition. At one point Mr. McRobb said the Premier “should be apologizing for selling out the interests of Yukoners...” The Speaker, Hon. Ted Staffen, then called for order saying, “The term “selling out Yukoners” is clearly out of order, and I ask that the member not use that term.”

In responding to Mr. McRobb’s question Hon. Mr. Fentie said, “I was wondering when the member opposite would get to the “selling-out” portion of the NDP’s position. Frankly, Mr. Speaker — and I apologize before you even have to rule: I retract the statement.” The Premier’s apology notwithstanding Speaker Staffen halted proceedings and said, “We just need a bit of calm here, folks. One side does it, the other side does it, and that’s just not going to work. So let’s just carry on in a sense of self-respect and respect for each other.” (*Hansard* 4687)

On November 3, 2005 the Assembly debated Bill No. 17, *Second Appropriation Act, 2005-06* at second reading. During the course of debate the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) said, “I am really disturbed by the way this government decides how they’re going to spend taxpayers’ money. They’re going to use taxpayers’ money to buy the vote...” Speaker Staffen then intervened saying, “I understand that the leader of the official opposition is in full flow. However, accusing another party or group of buying the vote is clearly out of order and I would ask the honourable member to not use that terminology.” Mr. Hardy then assured the Speaker that he “would never in [his] wildest dreams think that they would do that.” (*Hansard* 4739)

During Question Period on November 7, 2005 Steve Cardiff (Mount Lorne, NDP) asked the Minister of Community Services, Hon. Glenn Hart (Riverdale South, Yukon Party) about a promise, allegedly made by the Member for Klondike, Peter Jenkins (Yukon Party), regarding a new recreation centre for Dawson City. In referring to the Member for Klondike, Mr. Cardiff said, “If his latest political promise does go ahead without any real input from the people of Dawson, will the minister at least give us the assurance that it won’t be sole-sourced to a friend of the Yukon Party government, as we have seen happening elsewhere?” Before Hon. Mr. Hart answered the question Speaker Staffen intervened informing the House that Mr. Cardiff’s “implication is clearly out of order, and I would ask that [he] not do that in the future.” (*Hansard* 4748)

On November 22, 2005 Committee of the Whole considered the estimates for the Department of Health and Social Services in Bill No. 17. At one point in a discussion between the minister responsible for the department, Hon. Mr. Jenkins and Mr. McRobb, Hon. Mr. Jenkins chose to not rise and respond to a question put to him by Mr. McRobb. Regaining the floor Mr. McRobb said

Mr. Chair, this is unbelievable. The minister remains seated, yelling “clear”. He refuses to answer a very reasonable question. I would say that if this isn’t classified as an abrogation of responsibility and duties, I don’t know what is. You can call me on a point of order, Mr. Chair, on that one. I will take the risk. This is an abrogation of

responsibility and duty by this minister. He should resign for what he is doing. He doesn't deserve to be minister of anything.

At that point the Chair of Committee of the Whole, Patrick Rouble, called for order and said

The Chair has listened very closely to debate today and is becoming quite concerned that members are entering into debate that is beneath the expectations that Yukoners have of members in this Assembly. There have been statements made. I can appreciate that there are differences of opinion expressed in this Assembly, and sometimes those differences in opinion cause frustration, but by no means should it become acceptable or allowed that members sink to a level of name-calling or hurling insults. It is certainly beneath the dignity of this Assembly. I'm looking forward to the debate continuing, and I would encourage all members to elevate the level of debate. (*Hansard* 5042)

Later during the same debate Mr. McRobb questioned Hon. Mr. Jenkins about

the hardships imposed upon Yukoners by the minister's branch with respect to sewage and water regulations. I've suggested before that the government should have balanced the requirement for small businesses to meet stringent requirements with the implementation of the program that would help them fulfill these regulatory requirements. For example, the Koidern River Lodge, which has problems meeting the requirements of the environmental health branch, simply cannot afford to replace the water or septic systems. The government did introduce a well-drilling program that the minister has identified, but it could have easily expanded that to include small businesses, it could have created a similar program for septic services like an NDP government did in the early 1990s. But it didn't do anything and across the territory we have small businesses facing real hardships as we speak, because they are being forced out of business by this government that doesn't really care. It is forcing them to comply or shut their doors — that's basically it.

I want to ask the minister what he's doing to try to give these small business owners a soft landing in this respect.

Hon. Mr. Jenkins said

It is not an issue of a soft landing or anything of the type. It's an issue of the respective business serving the public, having safe potable water and conforming — not as the [member] refers to it as — to the department, but to the law: the law surrounding conditions that apply to potable water that is provided to the public, the law surrounding the issue of sewage disposal. These are the issues.

What the member is suggesting will probably take us down the road to another Walkerton here in the Yukon, and I have some serious reservations and concerns with the due diligence being followed with respect to the overview of safe potable water here in the Yukon.

At that point Pat Duncan (Porter Creek South, Liberal) rose on a point of order saying she was

rather uncomfortable with the Minister of Health and Social Services suggesting that another individual in the House is recommending a course of action that would repeat the difficulties

that the community of Walkerton, Ontario, experienced. That was a very — unfortunate isn't a strong enough word. There were deaths; there were officials who were criminally charged. It was a terrible time, and to suggest that someone is recommending a course of action that would repeat that terrible time in a Yukon community is suggesting motives in my view. I would suggest that perhaps you might want to call the member opposite to order on that.

Hon. Mr. Jenkins intervened in his own defence, saying

The issue is that there is a law regarding potable water and its supply to the general public. There are laws dealing with septic fields. When those laws are broken or not abided by, it can lead to a situation such as Walkerton. We do not want to have that here in the Yukon. The member opposite is suggesting we back off.

The Committee Chair asked for "the members' indulgence to review the Blues and take a look at this debate and come back to the Assembly." (*Hansard* 5042) The Chair delivered his ruling at the beginning of Committee proceedings on November 24, 2005. He said

During debate on the Department of Health and Social Services, the Hon. Mr. Jenkins said that a course of action suggested by Mr. McRobb with regard to sewage and water regulations would "probably take us down the road to another Walkerton." In raising the point of order, Ms. Duncan expressed her discomfort with the Hon. Mr. Jenkins' comments, given the tragic nature of the events that took place in Walkerton, Ontario.

After examining the Blues the Chair finds that there is no point of order. The minister did not accuse Mr. McRobb of desiring an outcome similar to what occurred in Walkerton. The minister expressed the opinion that a similar outcome might occur should the government follow the course of action advocated by Mr. McRobb. Nonetheless, the Chair appreciates Ms. Duncan's point that members ought to avoid making statements that could be provocative or lead to discord. (*Hansard* 5089-5090; Journals 392-393)

During Question Period on November 29, 2005 the leader of the official opposition, Mr. Hardy asked the Premier, Hon. Mr. Fentie a series of questions about the manner in which his government governs. During the course of his first supplementary question Mr. Hardy suggested First Nations had demonstrated outside the Legislative Assembly in response to the government's "unilateral and bullying action." Mr. Hardy continued:

This is a government and a leader who operate by bullying the opposition. They bully the media — we've seen that on T.V. We've witnessed that. We've seen them bully First Nations, municipal governments, volunteer organizations; we've seen them bully government workers, as I've already said; and we've seen them try to bully private citizens who have a right to seek compensation when this government puts them out of business.

During the course of his final supplementary question Mr. Hardy said, "Yukoners are...fed up with the Premier using their hard-earned tax dollars like his own treasure chest to spend on whatever agenda he feels or the Governor of Alaska wants to pursue, and we have already witnessed that as well." At that point the Speaker, Hon. Ted Staffen, intervened and said

The Chair has allowed a lot of latitude in this Question Period. I understand that the leader of the official opposition has a process that he is putting forward. However, it has bordered on being out of order for the majority of the Question Period, and I would just ask the honourable member to consider that. You have the floor. You have another 30 seconds to finish asking your questions. Please carry on. (*Hansard* 5146)

Other comments that drew the intervention of the Chair in this regard include:

- “The government, in signing these MOUs, uses First Nations and organizations and others as political pawns to achieve press conferences and publicity. People are beginning to see through that.” Mr. McRobb, November 8, 2005 (*Hansard* 4791)
- “It’s a blatant abuse of authority.” Arthur Mitchell (Copperbelt, Liberal), December 5, 2005 (*Hansard* 5237)
- “The member opposite from Kluane represents special interest groups.” Hon. Archie Lang (Porter Creek Centre, Yukon Party), December 5, 2005 (*Hansard* 5252)
- “This is yet another case of corporations getting this minister to dance to their tune. They pull the strings, and he jumps.” Mr. McRobb, December 8, 2005 (*Hansard* 5331)

Another category of offensive matter is language that is beneath the dignity of the House. During Question Period on November 1, 2005 the leader of the official opposition, Mr. Hardy, asked the Deputy Premier, Hon. Mr. Jenkins, about relations between the Government of Yukon and other governments inside and outside Yukon. Hon. Mr. Jenkins responded by saying, “The premise for the member opposite’s question is pure bunk.” Before giving the floor to Mr. Hardy, Speaker Staffen said

As humorous as the reply was, we as legislators ask legitimate questions. I understand that the [Deputy Premier] does not agree with the premise of the question; however, I would prefer that the responses be a bit more cordial, if you wouldn’t mind. (*Hansard* 4655)

During Question Period on November 9, 2005 Lorraine Peter (Vuntut Gwitchin, NDP) asked questions regarding the Peel River watershed. During the course of her main question Mrs. Peter said the watershed “is being threatened by major development, thanks to a government hell-bent on industrializing the region before any lands or waters are set aside for conservation.” Once Mrs. Peter had concluded her question Speaker Staffen intervened, saying, “I don’t believe the phrase “hell-bent” is an appropriate phrase and I would ask the member to just keep that in mind in future.” (*Hansard* 4813)

### **Visitors, Introduction of**

On October 31, 2005 the Assembly debated Bill No. 16, *Fourth Appropriation Act, 2004-05*, at second reading. As the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP), addressed the bill Brad Cathers (Lake Laberge, Yukon Party) rose on a point of order to introduce a visitor in the public gallery. Afterwards the Speaker, Hon. Ted Staffen, said

Before the leader of the official opposition starts again, I'd just like to give members something to consider when they stand up on a point of order. The leader of the official opposition was speaking in reply, and the Chair feels the point of order could have been better made after the leader of the official opposition was finished. Some consideration among members would be fine with me.

In resuming his speech Mr. Hardy said, "I thank the Speaker for that. This habit of the Member for Lake Laberge of interrupting —." At that point Speaker Staffen called for order saying

The Member for Lake Laberge is fully within his rights to stand up on a point of order. The Speaker's intervention was purely as a courtesy. It was not the Speaker's intention to add oil to the simmering fire here. I would just ask the leader of the official opposition to carry on with his reply please. (*Hansard* 4626)

### Written Questions

The purpose of written questions is to seek from the government "detailed, lengthy or technical information." The rules of the House of Commons of Canada allow for written questions to be posed to private members but in practice this is not done primarily because the rules don't really provide private members with a means of providing answers to written questions.<sup>26</sup> Private members in the House of Commons are severely restricted in their ability to table documents.<sup>27</sup>

The situation in the Yukon Legislative Assembly is somewhat different. Standing Order 37(1) says, "Written questions may be placed on the Order Paper seeking information from

- (a) members of the Executive Council relating to public affairs; and
- (b) private members, including Committee Chairs, relating to any bill, motion or other public matter connected with the business of the Assembly in which such members may be concerned."

Written questions, like motions, can be removed from the Order Paper if they become irregular. This occurred on two occasions during the 2005 Fall Sitting. On December 1, 2005 the Speaker, Hon. Ted Staffen, announced "that Written Questions Nos. 3 and 5 have been removed from the Order Paper as they were addressed to the Member for Klondike, who is no longer a minister." (*Hansard* 5201; *Journals* 400) On December 15, 2005 the Speaker informed the Assembly that "Written Question No. 6, standing in the name of the Member for Mount Lorne, has been removed from the Order Paper, as it is outdated." (*Hansard* 5449; *Journals* 419)

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<sup>26</sup> *House of Commons Procedure and Practice* page 438

<sup>27</sup> *House of Commons Procedure and Practice* page 519



**Statistical Summary  
2005 Fall Sitting**

**Table 1: Sitting Days**

	Monday	Tuesday	Wednesday	Thursday	Total
October	1	0	0	1	2
November	4	5	5	4	18
December	3	2	2	3	10
<b>Total</b>	<b>8</b>	<b>7</b>	<b>7</b>	<b>8</b>	<b>30</b>

**Table 2: Allocation of Sitting Time**

	Number	Time consumed	Percentage of sitting time
Debate on Bills	10	83 hours 56 minutes	58.3%
Debate on Motions	18	22 hours 28 minutes	15.6%
Question Period	20	16 hours 26 minutes	11.4%
Witnesses	2	3 hours 52 minutes	2.7%
Other	n.a.	17 hours 15 minutes	12.0%
<b>Total</b>	<b>n.a</b>	<b>143 hours 57 minutes</b>	<b>100 %</b>

Note: In this case 'Other' includes elements of the Daily Routine other than Question Period, prepared statements and rulings by the Speaker and the Chair of Committee of the Whole, and recesses.

**Table 3: Documents Tabled**

Type	#
Legislative Returns	0
Sessional Papers	31
Filed Documents	29
<b>Total</b>	<b>60</b>

**Table 4: Daily Routine**

Item	#
Tributes	43
Visitor Introductions	54
Ministerial Statements	1
Written Questions	0
Committee Reports	0
Petitions Presented	4
Responses to Petitions	5

**Table 5: Documents Tabled pursuant to Standing Order 38(1)**

<b>Date</b>	<b>Document (tabled by)</b>	<b>Reference</b>
October 27	Warrant issued by the Speaker respecting the resignation of Mr. Arntzen, pursuant to Section 15, <i>Legislative Assembly Act</i> (Hon. Mr. Staffen, Speaker)	<i>Hansard</i> 4607; <i>Journals</i> 355
	Conflict of Interest Commission Annual Report (to March 31, 2005), pursuant to Section 19(3), <i>Conflict of Interest (Members and Ministers) Act</i> (Hon. Mr. Staffen, Speaker)	<i>Hansard</i> 4607; <i>Journals</i> 355
October 31	Public Accounts for the Government of Yukon for the year ended March 31, 2005, pursuant to Section 8(2), <i>Financial Administration Act</i> (Hon. Mr. Fentie)	<i>Hansard</i> 4619; <i>Journals</i> 358
November 1	Regulations Report (Yukon) April 1, 2004 to March 31, 2005, Volumes 1 & 2, pursuant to Section 34, <i>Interpretation Act</i> (Hon. Mr. Edzerza)	<i>Hansard</i> 4654; <i>Journals</i> 361
November 7	OIC 2005/155: amendments of the Self-Government Agreements for the Selkirk First Nation, Little Salmon/Carmacks First Nation, Vuntut Gwitchin First Nation, Champagne and Aishihik First Nations, Tr'ondëk Hwëch'in, Teslin Tlingit Council, and Ta'an Kwäch'än Council, pursuant to Section 3(2), <i>First Nations (Yukon) Self-Government Act</i> (Hon. Mr. Fentie)	<i>Hansard</i> 4744; <i>Journals</i> 369
November 16	OIC 2005/160, Ibex Valley Development Area regulations and maps (dated September 7, 2005), pursuant to Section 3(3), <i>Area Development Act</i> (Hon. Mr. Hart)	<i>Hansard</i> 4931; <i>Journals</i> 383
November 17	OIC 2005/175, Mayo Road Area Development Regulations and maps (dated October 3, 2005), pursuant to Section 3(3), <i>Area Development Act</i> (Hon. Mr. Hart)	<i>Hansard</i> 4963; <i>Journals</i> 385
November 23	Motor Transport Board 2004/05 Annual Report, pursuant to Section 11(2), <i>Motor Transport Act</i> (Hon. Mr. Hart)	<i>Hansard</i> 5049; <i>Journals</i> 390
December 6	Yukon Energy Corporation 2004 Annual Report, and the Yukon Development Corporation, Energy Solutions Centre 2004 Annual Report, pursuant to Section 22(3), <i>Yukon Development Corporation Act</i> (Hon. Mr. Lang)	<i>Hansard</i> 5267; <i>Journals</i> 404
December 12	Yukon Housing Corporation 2004/2005 Annual Report, pursuant to Section 23(2), <i>Housing Corporation Act</i> (Hon. Mr. Kenyon)	<i>Hansard</i> 5355; <i>Journals</i> 411
December 13	Yukon Human Rights Commission 2004/2005 Annual Report, pursuant to Section 18, <i>Human Rights Act</i> (Hon. Mr. Staffen, Speaker)	<i>Hansard</i> 5389; <i>Journals</i> 413
December 14	Yukon Arts Centre 2004/2005 Annual Report, pursuant to Section 12(3), <i>Arts Centre Act</i> (Hon. Ms. Taylor)	<i>Hansard</i> 5417; <i>Journals</i> 416
December 15	Yukon Advisory Council on Women's Issues 2004/2005 Annual Report, pursuant to Section 15(3), <i>Yukon Advisory Council on Women's Issues Act</i> (Hon. Ms. Taylor)	<i>Hansard</i> 5449; <i>Journals</i> 419
	Yukon Heritage Resources Board 2004/2005 Annual Report, pursuant to Section 7(7), <i>Historic Resources Act</i> (Hon. Ms. Taylor)	<i>Hansard</i> 5449; <i>Journals</i> 419
	Education, Department of: 2004/2005 Annual Report, pursuant to Section 5(h), <i>Education Act</i> (Hon. Mr. Edzerza)	<i>Hansard</i> 5449; <i>Journals</i> 419

	Yukon Liquor Corporation 2004/2005 Annual Report, pursuant to Section 16, <i>Liquor Act</i> (Hon. Mr. Kenyon)	<i>Hansard</i> 5449; <i>Journals</i> 419
December 19	Ombudsman and Information and Privacy Commissioner 2004 Annual Report, pursuant to Section 31(1), <i>Ombudsman Act</i> ; and Section 47(2), <i>Access to Information and Protection of Privacy Act</i> (Hon. Mr. Staffen, Speaker)	<i>Hansard</i> 5483; <i>Journals</i> 421

**Table 6: Bills**

Bills	Government	Private Members	Total
Introduced	10	1	11
Ruled Out of Order	0	0	0
Debated	10	0	10
Passed	10	0	10
Negatived	0	0	0
Assented to	10	0	10

**Table 7: Time devoted to individual bills**

Bill #	Name	Second Reading	Committee of the Whole	Third Reading	Total
17	<i>Second Appropriation Act, 2005-06</i>	6 hours 34 minutes	49 hours 9 minutes	1 minute	55 hours 44 minutes
63	<i>Act to Amend the Family Violence Prevention Act</i>	3 hours 41 minutes	4 hours 16 minutes	13 minutes	8 hours 10 minutes
61	<i>Co-operation in Governance Act</i>	3 hours 43 minutes	3 hours 59 minutes	26 minutes	8 hours 8 minutes
16	<i>Fourth Appropriation Act, 2004-05</i>	3 hours 56 minutes	2 hours 7 minutes	8 minutes	6 hours 11 minutes
57	<i>Act to Amend the Small Claims Court Act</i>	1 hour 13 minutes	25 minutes	2 minutes	1 hour 40 minutes
64	<i>Act to Amend the Income Tax Act</i>	51 minutes	10 minutes	8 minutes	1 hour 9 minutes
65	<i>Act to Amend the Income Tax Act, 2005 (No. 2)</i>	35 minutes	21 minutes	3 minutes	59 minutes
62	<i>Act to Amend the Jury Act</i>	37 minutes	19 minutes	1 minute	57 minutes
60	<i>Act to Amend the Public Service Group Insurance Benefit Plan Act</i>	22 minutes	8 minutes	2 minutes	32 minutes
58	<i>Act to Amend the Supreme Court Act</i>	21 minutes	4 minutes	1 minute	26 minutes
	Total (10)	21 hours 53 minutes	60 hours 58 minutes	1 hour 5 minutes	83 hours 56 minutes

Notes on bills: Introduction and First Reading is not included as Standing Order 52(2) says, "A motion for First Reading of a bill shall be decided without introductory statement, debate or amendment."

**Table 8: Appropriation Bills, Committee of the Whole debate by department**

Department	Bill No. 16		Bill No. 17		Total	
	hours	minutes	hours	minutes	hours	minutes
Highways & Public Works	none		7	57	7	57
General debate	1	29	6	4	7	33
Health & Social Services	none		6	56	6	56
Yukon Housing Corporation	none		4	34	4	34
Energy, Mines & Resources	none		4	11	4	11
Community Services	none		3	27	3	27
Tourism & Culture	none		3	17	3	17
Education	none		2	30	2	30
Economic Development	none		1	58	1	58
Justice	0	1	1	49	1	50
Executive Council Office	none		1	3	1	3
Environment	none		0	48	0	48
Public Service Commission	0	18	0	30	0	48
Women's Directorate	none		0	28	0	28
Ombudsman	none		0	1	0	1
Elections Office	none		0	1	0	1
<b>Total</b>	<b>1</b>	<b>48</b>	<b>45</b>	<b>34</b>	<b>47</b>	<b>22</b>

Note: The term 'none' refers to those departments or corporations that did not have an appropriation in a given bill.

**Table 9: Motions**

Motions	Government	Private Members	Total
Substantive (notice of)	8	111	119
For the Production of Papers	n.a.	2	2
Committee of the Whole	3	0	3
<b>Total</b>	<b>11</b>	<b>113</b>	<b>124</b>
Debated	6	9	15
Adjourned Debate	0	3	3
Agreed to	6	6	12
Negatived	0	0	0
Withdrawn	1	0	0
Ordered Withdrawn	4	65	69
Not placed on Order Paper	0	1	0

**Table 10: Time devoted to debate on motions**

Motion # & Subject	Debate		Disposition
	hours	minutes	
507. Re Creation of a Safer Communities and Neighbourhoods Act (Hardy)	4	12	Debate adjourned on the amendment
541. Re Government Addressing Housing Needs for Yukon First Nations (Rouble)	3	4	Debate adjourned on the amendment
421. Re Funding Diabetes Education and Wellness Information (Hassard)	2	58	Agreed to
398. Re Legislation Requiring the Taking of Blood Samples to Protect Victims of Crime and Others (Duncan)	2	27	Agreed to
430. Re U.S./Canada Border Security Interfering with Access to Goods and Services (Cathers)	2	26	Agreed to as amended
503. Re Plans to Build an Elementary School in the Granger-Copper Ridge Area (Duncan)	1	51	Agreed to
524. Re Urging Federal Government to Eliminate the Firearms Registry for Long Guns (Cathers)	1	25	Agreed to
497. Re Federal Government Commitment to Fetal Alcohol Syndrome Society Yukon (Cathers)	1	22	Debate adjourned on the amendment
484. Re Veteran Pension Benefits (Cathers)	1	14	Agreed to as amended
525. Re Cooperative Approach to Addressing Substance Abuse (Jenkins)	0	45	Agreed to
C/W 8. Re Appearance of Witness from YDC/YEC in Committee of the Whole (Cathers)	0	31	Withdrawn by unanimous consent
561. Re Ombudsman Act Remaining in Force Until June 30, 2011 (Fentie)	0	5	Agreed to
C/W 9. Re Appearance of Witnesses from YDC/YEC in Committee of the Whole (Cathers)	0	3	Agreed to
C/W 7. Re Appearance of Witnesses from the Yukon Workers' Compensation Health and Safety Board (Jenkins)	0	1	Agreed to
562. Re Appointment of Rick Goodfellow to Yukon Human Rights Commission (Edzerza)	0	1	Agreed to
566. Re Rescinding Appointments of Pat Duncan and Peter Jenkins and Appointing Arthur Mitchell and Hon. Brad Cathers to the Members' Services Board (Cathers)	0	1	Agreed to
572. Re Rescinding Appointment of Peter Jenkins and Appointing Hon. Glenn Hart and Patrick Rouble to the Standing Committee on Rules, Elections and Privileges (Cathers)	0	1	Agreed to
573. Re Rescinding Appointment of Peter Jenkins and appointing Dean Hassard to the Standing Committee on Statutory Instruments (Cathers)	0	1	Agreed to
<b>Total (18) 14 agreed to, 3 adjourned debate, 1 withdrawn by unanimous consent</b>	<b>22</b>	<b>28</b>	



**Table 11: Motions Withdrawn from the Order Paper**

<b>Motion</b>	<b>Date</b>	<b>Sponsor, reason withdrawn</b>	<b>Reference</b>
No. 11	October 27, 2005	Arntzen, resigned his seat	<i>Hansard 4603; Journals 354</i>
No. 14	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 25	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 27	October 27, 2005	Arntzen, resigned his seat	<i>Hansard 4603; Journals 354</i>
No. 29	November 29, 2005	Jenkins resigned from cabinet	<i>Hansard 5141; Journals 397</i>
No. 33	October 27, 2005	Arntzen, resigned his seat	<i>Hansard 4603; Journals 354</i>
No. 40	October 27, 2005	Arntzen, resigned his seat	<i>Hansard 4603; Journals 354</i>
No. 51	October 27, 2005	Arntzen, resigned his seat	<i>Hansard 4603; Journals 354</i>
No. 73	October 27, 2005	Arntzen, resigned his seat	<i>Hansard 4603; Journals 354</i>
No. 57	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 79	October 27, 2005	Arntzen, resigned his seat	<i>Hansard 4603; Journals 354</i>
No. 89	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 91	October 27, 2005	Arntzen, resigned his seat	<i>Hansard 4603; Journals 354</i>
No. 106	October 27, 2005	Arntzen, resigned his seat	<i>Hansard 4603; Journals 354</i>
No. 110	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 112	October 27, 2005	Arntzen, resigned his seat	<i>Hansard 4603; Journals 354</i>
No. 116	October 27, 2005	Arntzen, resigned his seat	<i>Hansard 4603; Journals 354</i>
No. 118	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 138	October 27, 2005	Arntzen, resigned his seat	<i>Hansard 4603; Journals 354</i>
No. 141	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 157	October 27, 2005	Arntzen, resigned his seat	<i>Hansard 4603; Journals 354</i>
No. 176	October 27, 2005	Arntzen, resigned his seat	<i>Hansard 4603; Journals 354</i>
No. 182	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 195	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 198	October 27, 2005	Arntzen, resigned his seat	<i>Hansard 4603; Journals 354</i>
No. 216	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 218	October 27, 2005	Arntzen, resigned his seat	<i>Hansard 4603; Journals 354</i>
No. 225	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 234	October 27, 2005	Cardiff, outdated	<i>Hansard 4603; Journals 354</i>
No. 254	October 27, 2005	Arntzen, resigned his seat	<i>Hansard 4603; Journals 354</i>
No. 255	December 15, 2005	Rouble, request fulfilled	<i>Hansard 5449; Journals 419</i>
No. 278	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 295	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 296	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 297	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 298	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 305	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 311	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 320	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 328	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 337	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 341	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 346	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>



<b>Motion</b>	<b>Date</b>	<b>Sponsor, reason for removal</b>	<b>Reference</b>
No. 360	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 365	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 375	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 390	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 401	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 414	November 29, 2005	Jenkins resigned from cabinet	<i>Hansard 5141; Journals 397</i>
No. 419	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 433	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 437	October 27, 2005	Hardy, outdated	<i>Hansard 4603; Journals 354</i>
No. 445	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 452	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 459	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 477	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 480	October 27, 2005	Duncan, outdated	<i>Hansard 4603; Journals 354</i>
No. 481	October 27, 2005	Hardy, outdated	<i>Hansard 4603; Journals 354</i>
No. 482	October 27, 2005	Duncan, outdated	<i>Hansard 4603; Journals 354</i>
No. 487	November 14, 2005	Hardy, outdated	<i>Hansard 4873; Journals 378</i>
No. 483	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 485	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 492	October 31, 2005	Rouble, outdated	<i>Hansard 4619; Journals 358</i>
No. 497	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 502	November 29, 2005	Jenkins resigned from cabinet	<i>Hansard 5141; Journals 397</i>
No. 507	November 15, 2005	Hardy, similar to a motion that passed	<i>Hansard 4903; Journals 380</i>
No. 510	November 21, 2005	Peter, outdated	<i>Hansard 4993; Journals 386</i>
No. 516	November 15, 2005	Taylor, similar to a motion that passed	<i>Hansard 4903; Journals 380</i>
No. 522	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>
No. 523	December 12, 2005	Cathers, appointed to cabinet	<i>Hansard 5355; Journals 411</i>

**Table 12: Statistical Review of Question Period**

Sitting Day/Date	Main Questions	First Supp.	Final Supp.	Total Questions	Total Time	Question Time	Response Time	Points of Order	Questions over limit	Responses over limit
1. October 27	7	7	4	18	35:00	16:25	18:35	0:00	6	0
2. October 31	6	6	6	18	32:55	15:05	17:10	0:40	2	1
3. November 1	6	6	6	18	31:55	16:20	14:05	1:30	5	0
4. November 2	5	5	5	15	29:35	12:25	17:10	0:00	2	3
5. November 3	6	5	4	15	32:20	13:05	19:15	0:00	1	2
6. November 7	7	7	4	18	32:50	15:20	17:30	0:00	5	0
7. November 8	7	7	4	18	32:35	14:45	17:50	0:00	2	1
8. November 9	7	7	4	18	32:25	16:40	13:40	2:05	5	0
9. November 10	7	7	5	19	32:45	16:25	16:20	0:00	5	1
10. November 14	7	7	3	17	32:40	15:35	17:05	0:00	6	2
11. November 15	6	5	5	16	33:40	14:25	19:00	0:15	2	2
12. November 16	6	4	4	14	33:30	15:35	17:45	0:10	6	0
13. November 17	7	7	4	18	32:25	17:10	14:50	0:25	4	1
14. November 21	8	8	5	21	33:05	18:30	14:35	0:00	2	0
15. November 22	7	7	4	18	30:05	15:10	13:55	1:00	2	0
16. November 23	7	7	7	21	35:35	18:35	16:50	0:10	3	1
17. November 24	7	7	7	21	34:30	15:45	17:50	0:55	3	2
18. November 28	7	7	7	21	30:25	16:00	14:25	0:00	1	0
19. November 29	6	6	6	18	33:50	15:50	17:30	0:30	3	1
20. November 30	7	7	7	21	31:25	18:20	13:05	0:00	3	0
21. December 1	6	6	5	19	30:30	15:45	14:35	0:10	4	0
22. December 5	7	7	7	21	35:00	17:15	17:35	0:10	2	0
23. December 6	7	7	7	21	31:25	17:00	13:30	0:55	1	1
24. December 7	6	6	6	18	32:05	15:40	16:25	0:00	4	0
25. December 8	6	6	6	18	30:30	16:40	13:10	0:40	4	1
26. December 12	8	8	8	24	35:00	19:25	15:25	0:10	2	0
27. December 13	7	7	5	19	32:20	15:55	16:20	0:05	2	0
28. December 14	6	6	6	18	33:25	16:10	16:25	0:50	5	1
29. December 15	6	6	6	18	40:15	17:55	19:35	2:45	9	1
30. December 19	9	4	3	16	30:50	13:05	17:45	0:00	1	1
Total	201	192	160	553	16:24:50	8:02:15	8:09:10	13:25	102	22

Numbers in **bold** represent high totals, numbers in *italics* represent low totals.

**Table 13: Questions posed in Question Period by Caucus**

	Main	First Supp.	Final Supp.	Total
Official Opposition (NDP)	159	150	119	428
Third Party (Liberal)	38	38	38	114
Independent member	3	3	2	8
Government Private member	1	1	1	3

**Table 14: Divisions**

Date	Item	Decision	References
October 31	Bill No. 16 (2 <sup>nd</sup> reading)	Agreed to, 8-5	<i>Hansard 4649; Journals 360</i>
November 1	Bill No. 63 (2 <sup>nd</sup> reading)	Agreed to, 13-0	<i>Hansard 4681; Journals 362</i>
November 2	Motion No. 430	Agreed to as amended, 13-0	<i>Hansard 4705; Journals 365</i>
	Motion No. 484	Agreed to as amended, 12-0	<i>Hansard 4712; Journals 365-366</i>
November 3	Bill No. 64 (2 <sup>nd</sup> reading)	Agreed to, 14-0	<i>Hansard 4724; Journals 367</i>
November 7	Bill No. 60 (2 <sup>nd</sup> reading)	Agreed to, 15-0	<i>Hansard 4752; Journals 369-370</i>
November 8	Bill No. 17 (2 <sup>nd</sup> reading)	Agreed to, 9-6	<i>Hansard 4798; Journals 373</i>
November 10	Bill No. 61 (2 <sup>nd</sup> reading)	Agreed to, 12-0	<i>Hansard 4870 ; Journals 377</i>
November 14	Motion No. 525	Agreed to, 14-0	<i>Hansard 4883; Journals 379</i>
November 15	Bill No. 57 (2 <sup>nd</sup> reading)	Agreed to, 14-0	<i>Hansard 4916; Journals 380-381</i>
	Bill No. 58 (2 <sup>nd</sup> reading)	Agreed to, 14-0	<i>Hansard 4918; Journals 381</i>
	Bill No. 62 (2 <sup>nd</sup> reading)	Agreed to, 13-0	<i>Hansard 4921; Journals 381</i>
November 16	Motion No. 421	Agreed to, 8-6	<i>Hansard 4952; Journals 383-384</i>
November 23	Motion No. 398	Agreed to, 13-0	<i>Hansard 5070; Journals 390-391</i>
	Motion No. 503 (amendment)	Negated, 4-8	<i>Hansard 5079; Journals 391</i>
	Motion No. 503	Agreed to, 9-0	<i>Hansard 5081 ; Journals 391</i>
November 30	Motion No. 524	Agreed to, 9-0	<i>Hansard 5199; Journals 399</i>
December 1	Bill No. 65 (2 <sup>nd</sup> reading)	Agreed to, 15-0	<i>Hansard 5212 ; Journals 401</i>
December 13	Bill No. 61 (3 <sup>rd</sup> reading)	Agreed to, 16-0	<i>Hansard 5397; Journals 413-414</i>
	Bill No. 64 (3 <sup>rd</sup> reading)	Agreed to, 16-0	<i>Hansard 5397; Journals 414</i>
	Bill No. 16 (3 <sup>rd</sup> reading)	Agreed to, 16-0	<i>Hansard 5398; Journals 414-415</i>
	Bill No. 63 (3 <sup>rd</sup> reading)	Agreed to, 14-1	<i>Hansard 5399; Journals 415</i>



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